FEDERAL REGISTER

VOLUME 24 NUMBER 226

Washington, Thursday, November 19, 1959

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Development Loan Fund

Effective upon publication in the FEDERAL REGISTER, paragraph (a) of § 6.162 is revoked and paragraphs (b) and (c) are added to § 6.362 as set out below.

§ 6.362 Development Loan Fund.

* * * * *

(b) The Deputy Managing Director.

(c) One Deputy Managing Director for Private Enterprise.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59-9794; Filed, Nov. 18, 1959; 8:49 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

SUBCHAPTER E—ACCOUNT SERVICING

[FHA Instruction 456.1]

PART 364—DEBT SETTLEMENT

Compromise or Cancellation

Subparagraph (6) in § 364.11(a) in Title 6, Code of Federal Regulations (22 F.R. 469), is hereby revoked. A new § 364.7a is added to permit State Directors to approve compromise or cancellation of debts without the debtor's signature on the same basis as if the debtor's signature had been obtained, and to read as follows:

§ 364.7a Compromise or cancellation of debts through use of Form FHA–858 when signature of debtor cannot be obtained.

Debts of a living debtor whose whereabouts is known may be compromised or cancelled if it is impossible or impractical to obtain his signed application, provided all of the other applicable requirements of § 364.3 or § 364.4, whichever is involved, have been met. Such settlements will be documented on Form FHA–858, which will be submitted to the County Committee for approval or rejection, and no settlement shall be made which is more favorable to the debtor than that recommended by the County Committee.

(7 U.S.C. 1015, 40 U.S.C. 440, 442; Order of Acting Sec. of Agric., 19 F.R. 74, 22 F.R. 8188)

Dated: November 12, 1959.

H. C. SMITH,
Acting Administrator,
Farmers Home Administration.

[F.R. Doc. 59-9778; Filed, Nov. 18, 1959; 8:46 a.m.]

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

[C.C.C. Grain Price Support Bulletin 1, 1959 Supp. 2, Amdt. 3, Grain Sorghums]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1959-Crop Grain Sorghums Loan and Purchase Agreement Program

NEBRASKA; SUPPORT RATES

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 23 F.R. 9651 and 24 F.R. 3031, 4125, 6179 and 8665 and containing the specific requirements for the 1959-Crop Grain Sorghums Price Support Program are hereby amended as follows:

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Section 421.4237(b) is amended by increasing the following basic county support rates:

NEBRASKA

County	Rate per hundredweight From—	To—
Clay	$1.44	$1.45
Fillmore	1.47	1.48
Gage	1.49	1.51
Howard	1.40	1.41
Pawnee	1.50	1.51
Richardson	1.51	1.52
Saline	1.49	1.51
Seward	1.47	1.53

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended, 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Issued this 13th day of November 1959.

WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 59-9797; Filed, Nov. 18, 1959; 8:49 a.m.]

[Amdt. 2]

PART 446—PEANUTS

Subpart—1959 Crop Peanut Price Support Program

PURCHASE OF NO. 2 PEANUTS

The regulations issued by Commodity Credit Corporation (hereinafter referred to as "CCC") with respect to the 1959 Crop Peanut Price Support Program, as amended (24 F.R. 6077, 7599) are further amended by extending the period during which shellers may notify the appropriate association of their intentions to sell No. 2 peanuts to CCC.

Section 446.1134(b) is amended to read as follows:

§ 446.1134 Purchase of No. 2 shelled peanuts.

* * * * *

(b) No. 2 peanuts will be purchased from only those eligible shellers who, on or before November 30, 1959 have notified the appropriate association of their intentions to sell No. 2 peanuts to CCC.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054, sec. 201, 68 Stat. 899; 15 U.S.C. 714c, 7 U.S.C. 1441, 1421)

Issued this 13th day of November 1959.

WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 59-9798; Filed, Nov. 18, 1959; 8:50 a.m.]

[C.C.C. Farm Storage Facility Loan Bulletin, Revision 1, Amdt. 1]

PART 474—FARM STORAGE FACILITIES

Subpart—Farm Storage Facility Loan Program

TERMS AND CONDITIONS OF LOANS

The purpose of this amendment is to amend the bulletin setting forth the conditions under which loans will be made to borrowers for the purchase of farm storage facilities which CCC had previously acquired by foreclosure or other means under the program.

Section 474.726(b)(3) of the bulletin (23 F.R. 9686) setting forth the regulations governing loans for the purchase of facilities which CCC acquired by foreclosure or other means is amended to read as follows:

§ 474.726 Terms and conditions of loans.

* * * * *

(b) *Amount of loan.* * * *

(3) The maximum amount loaned on any farm storage facility which CCC has previously acquired by foreclosure or other means under the program shall not exceed the maximum amount authorized by the State committee and in no event shall exceed eighty percent of the price of purchase from Commodity Credit Corporation unless a loan in a larger amount is approved by the Board of Directors, CCC.

Issued at Washington, D.C., this 13th day of November 1959.

WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 59-9799; Filed, Nov. 18, 1959; 8:50 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Amendment of Administrative Instructions Prescribing Commuted Travel Time Allowances

Pursuant to the authority conferred upon the Director of the Plant Quarantine Division by § 354.1 of the regulations concerning overtime services relating to imports and exports, effective June 29, 1958 (7 CFR, 1958 Supp., 354.1), administrative instructions (7 CFR, 1958 Supp., 354.2), effective September 17, 1958, as amended effective April 9, 1959 (24 F.R. 2723), prescribing the commuted travel time that shall be included in each period of overtime duty are hereby further amended by adding "Nassau, Bahamas" to the "One Hour" list therein; by adding "Burnside, La. (served from Baton Rouge)" and "Marathon, Fla. (served from Key West)" to the "Two Hour" list therein; by adding "Nashville, Tenn." to the "Three Hour" list therein; and by deleting from the "Three Hour" list therein the item "Pinecastle Air Force Base, Orlando, Fla. (served from Tampa)" and substituting therefor the new designation for this base: "McCoy Air Force Base, Orlando, Fla. (served from Tampa)."

These commuted travel time periods have been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime duty when such travel is performed solely on account of such overtime duty. Such establishment depends upon facts within the knowledge of the Plant Quarantine Division. It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making these instructions effective less than thirty days after publication in the FEDERAL REGISTER.

(64 Stat. 561; 5 U.S.C. 576)

This amendment shall be effective November 19, 1959.

Done at Washington, D.C., this 13th day of November 1959.

[SEAL] H. S. DEAN,
Acting Director,
Plant Quarantine Division.

[F.R. Doc. 59-9796; Filed, Nov. 18, 1959; 8:49 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Revision 1; Amdt. 4]

PART 121—SMALL BUSINESS SIZE STANDARDS

Definition of Small Business for Sales of Government Property

The Small Business Size Standards Regulation (Revision 1), as amended (24 F.R. 3491, 5628, 7458, 7943), is hereby further amended. Section 121.3-9 is amended by adding a new paragraph (a) and by changing the term "paragraph (b)" in paragraph (c) to read "paragraphs (a) and (b)". As amended paragraphs (a) and (c) will read as set forth below.

§ 121.3-9 Definition of small business for sales of Government property.

(a) *Sales of Government-owned property other than timber.* A small business concern for the purpose of the sale of government-owned property, other than timber, is a business concern, including its affiliates, which is independently owned and operated, is not dominant in its field of operation and can further qualify under the following criteria:

(1) *Manufacturers.* Any business concern which is primarily engaged in manufacturing is small if it employs not more than 500 persons.

(2) *Non-manufacturers.* Any business concern which is primarily engaged as a non-manufacturer (except as specified in subparagraph (3) of this paragraph) is small if its average annual sales volume or receipts, less returns and allowances, for the preceding three fiscal years do not exceed $5,000,000.

(3) *Stock pile purchasers.* Any business concern primarily engaged in the purchase of materials not domestically produced is small if its annual sales volume or receipts, less returns and allowances, do not exceed $25,000,000.

* * * * *

(c) *Self certification of a small business.* In the submission of a bid or proposal for the purchase of Government-owned property, a concern which meets the criteria of paragraphs (a) and (b) of this section, may represent that it is

a small business. In the absence of a written protest, such concern, shall be deemed to be a small business for the purpose of the specific Government sale involved.

(Section 5, 72 Stat. 385; 15 U.S.C. 634)

Effective date: These amendments shall become effective 30 days after their publication in the FEDERAL REGISTER.

Approved: November 9, 1959.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 59-9771; Filed, Nov. 18, 1959; 8:46 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 2—RULES OF PRACTICE

PART 9—PUBLIC RECORDS

Ex Parte Communications in Adjudicatory Proceedings

In view of the increasing number of AEC regulatory proceedings, the Commission considers it in the public interest that certain principles of law concerning ex parte communications, applicable to the exercise of the Commissioners' quasi-judicial functions, should be embodied in published rule amending Part 2—Rules of Practice and Part 9—Public Records of the Commission's rules and regulations.

As under existing law, the rules prohibit oral or written communications concerning substantive matters involved in an adjudicatory proceeding between Commissioners and employees who advise the Commissioners in the exercise of their quasi-judicial functions, on the one hand, and applicants for and holders of licenses, and their officers, employees, and representatives, on the other. Where such communication is effected, provision is made for the placing of the written communication or a memorandum of the oral contact involved in the AEC public records and for the service thereof upon the parties to the proceeding and upon the source of the communication. The rules would neither inhibit normal social, business, and professional relations between the Commissioners and license applicants or representatives of the atomic energy industry, nor limit the Commissioners in the exercise of their promotional functions under the Atomic Energy Act of 1954, so long as substantive matters affecting a pending proceeding were not discussed.

Pursuant to the Administrative Procedure Act, the following rules are published as a document subject to codification, to be effective 30 days after publication in the FEDERAL REGISTER.

1. Part 2—Rules of Practice is amended by adding the following § 2.757:

§ 2.757 Ex parte communications.

(a) Save to the extent required for the disposition of ex parte matters as authorized by law, neither (1) Commissioners, members of their immediate staffs, or other AEC officials and employees who advise the Commissioners in the exercise of their quasi-judicial functions will request or entertain off the record except from each other, nor (2) any applicant for or holder of an AEC license or permit, or any officer, employee, representative, or other person directly or indirectly acting in behalf thereof, shall submit off the record to Commissioners or such staff members, officials, and employees, any evidence, explanation, analysis, or advice, whether written or oral, regarding any substantive matter at issue in a proceeding on the record then pending before the AEC for the issuance, denial, amendment, transfer, renewal, modification, suspension, or revocation of a license or permit. For the purposes of this section, the term "proceeding on the record then pending before the AEC" shall include any application or matter which has been noticed for hearing or concerning which a hearing has been requested pursuant to this part.

(b) Copies of written communications covered by subsection (a) shall be placed in the AEC public document room and served by the Secretary on the communicator and the parties to the proceeding involved.

(c) A Commissioner, member of his immediate staff, or other AEC official or employee advising the Commissioners in the exercise of their quasi-judicial functions, to whom is attempted any oral communication concerning any substantive matter at issue in a proceeding on the record as described in paragraph (a) of this section, will decline to listen to such communication and will explain that the matter is pending for determination. If unsuccessful in preventing such communication, the recipient thereof will advise the communicator that a written summary of the conversation will be delivered to the AEC public document room and a copy served by the Secretary of the Commission on the communicator and the parties to the proceeding involved. The recipient of the oral communication thereupon will make a fair, written summary of such communication and deliver such summary to the AEC public document room and serve copies thereof upon the communicator and the parties to the proceeding involved.

2. Section 9.3 of Part 9—Public Records is amended by adding the following paragraph:

§ 9.3 Inclusions.

* * * * *

(e) Documents received or prepared as provided in § 2.757 of this chapter.

(Sec. 161, 68 Stat. 948, 42 U.S.C. 2201)

Dated at Germantown, Md., this 10th day of November 1959.

ALVIN R. LUEDECKE,
General Manager.

[F.R. Doc. 59-9763; Filed, Nov. 18, 1959; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59-WA-209]

[Amdt. 98]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 110]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Federal Airway and Associated Control Areas

The purpose of these amendments to §§ 600.6015 and 601.6015 of the regulations of the Administrator is to modify the segment of VOR Federal airway No. 15 between Waco, Tex., and Waxie, Tex., intersection by designating a west alternate.

A segment of Victor 15 presently extends from the Waco VOR to the Waxie intersection. The Federal Aviation Agency is modifying this segment by designating a west alternate via the Britton, Tex., VOR. Victor 15-W will provide an inbound route for air traffic from Waco to Dallas, Tex. Such action will result in Victor 15 and its associated control areas extending from Galveston, Tex., to Neosho, Mo., and from Kansas City, Mo., to Minot, N. Dak., to include an additional west alternate from the Waco VOR to the Waxie intersection via the Britton VOR. Coincident with this action, the caption of § 601.6015 pertaining to control areas for Victor 15 is amended.

This action has been coordinated with the Army, the Navy, the Air Force, and interested civil aviation organizations. Accordingly, compliance with the Notice, and public procedure provisions of section 4 of the Administrative Procedure Act have, in effect, been complied with. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 600.6015 (14 CFR, 1958 Supp., 600.6015, 24 F.R. 1281, 2227) and § 601.6015 (14 CFR, 1958 Supp., 601.6015) are amended as follows:

1. Section 600.6015 *VOR Federal airway No. 15 (Galveston, Tex., to Minot, N. Dak.)*:

(a) In the caption delete "*(Galveston, Tex., to Minot, N. Dak.)*." and substitute therefor "*(Galveston, Tex., to Neosho, Mo., and Kansas City, Mo., to Minot, N. Dak.)*."

(b) In the text delete "Dallas, Tex., VOR including an east alternate;" and substitute therefor "Dallas, Tex., VOR including an E alternate and also a W alternate from the Waco, Tex., VOR to the Waxie INT via the point of INT of the Waco VOR 353° and the Britton VOR 264° radials; Britton, Tex., VOR; the point of INT of the Britton VOR 091° and Dallas VOR 202° radials;"

2. In the caption of § 601.6015 *VOR Federal airway No. 15 control areas (Galveston, Tex., to Minot, N. Dak.)*, delete "*(Galveston, Tex., to Minot, N. Dak.).*" and substitute therefor "*(Galveston, Tex., to Neosho, Mo., and Kansas City, Mo., to Minot, N. Dak.).*"

These amendments shall become effective 0001 e.s.t. January 14, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on November 12, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-9765; Filed, Nov. 18, 1959; 8:45 a.m.]

[Reg. Docket No. 179, Amdt. 54]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

Miscellaneous Alterations

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Pursuant to authority delegated to me by the Administrator (24 F.R. 5662), I find that a situation exists requiring immediate action in the interest of safety, that notice and public procedure hereon are impracticable, and that good cause exists for making this amendment effective on less than 30 days' notice. Part 610 is amended as follows:

Section 610.104 *Amber Federal airway 4* is amended to delete:

From Brownsville, Tex., LFR; to Kingsville INT, Tex.; MEA 1,300.
From Kingsville, INT, LFR; to Alice, Tex., LFR; MEA 1,400.
From Alice, Tex., LFR; to Losoya INT, Tex.; MEA 1,800.
From Losoya INT, Tex.; to San Antonio, Tex., LFR; MEA 2,200.
From Waco, Tex., LFR; to Valley Mills INT, Tex.; MEA 2,000.
From Valley Mills INT, Tex.; to Fort Worth, Tex., LFR; MEA 2,200.
From Fort Worth, Tex., LFR; to Decatur INT, Tex.; MEA 2,000.
From Decatur INT, Tex.; to Saint Jo INT, Tex.; MEA 2,400.
From Saint Jo INT, Tex.; to Ringling INT, Okla.; MEA 2,000.
From Ringling INT, Okla.; to Oklahoma City, Okla, LFR; MEA 2,500.
From Oklahoma City, Okla., LFR; to Shawnee INT, Okla.; MEA 2,700.
From Shawnee INT, Okla.; to Tulsa, Okla., LFR; MEA 2,400.

Section 610.108 *Amber Federal airway 8* is amended to delete:

From Golden Gate INT., Calif.; to Richmond INT., Calif.; MEA 4,000.
From Richmond INT., Calif.; to *Travis AFB, Calif., LFR; MEA 3,000. *3,000—MCA Travis AFB, southwestbound.
From Travis AFB, Calif., LFR; to Int. NE crs Travis AFB LFR and NW crs Sacramento LFR; MEA 2,000.

Section 610.207 *Red Federal airway 7* is deleted.

Section 610.215 *Red Federal airway* 15 is amended to read:

From Prescott, Ariz., LFR; to Phoenix, Ariz., LFR; MEA 10,000.

Section 610.216 *Red Federal airway 16* is amended to delete:

From Albany, Ga., LFR; to Macon, Ga., LFR; MEA 1,600.

Section 610.230 *Red Federal airway 30* is amended to delete:

From Shreveport, La., LFR; to Converse INT, La.; MEA 1,600.
From Converse INT, La.; to Alexandria, La., LFR; MEA 1,600.

Section 610.236 *Red Federal airway 36* is deleted.

Section 610.237 *Red Federal airway 37* is amended to delete:

From Tyler, Tex., LF/RBN; to Hainsville INT, Tex.; MEA 1,700.

Section 610.268 *Red Federal airway 68* is deleted.

Section 610.284 *Red Federal airway 84* is amended to read:

From Meridian, Miss., LFR; to Maxwell AFB, Ala., LFR; MEA 2,000.

Section 610.304 *Red Federal airway 104* is deleted.

Section 610.307 *Red Federal airway 107* is deleted.

Section 610.605 *Blue Federal airway 5* is deleted.

Section 610.607 *Blue Federal airway 7* is deleted.

Section 610.609 *Blue Federal airway 9* is amended to read:

From *Duluth, Minn., LFR; to U.S.-Canadian Border; MEA 3,300. *3,000—MCA Duluth LFR, northbound.

Section 610.610 *Blue Federal airway 10* is deleted.

Section 610.614 *Blue Federal airway 14* is amended to delete:

From Fresno, Calif., LFR; to Panoche INT, Calif.; MEA 6,000.
From Panoche INT, Calif.; to Volta INT, Calif.; MEA 6,000.
From *Volta INT, Calif.; to Stockton, Calif., VOR; MEA 3,000. *4,000—MCA Volta INT, southbound.
From Stockton, Calif., VOR; to Galt INT, Calif.; MEA 2,000.

Section 610.628 *Blue Federal airway 28* is deleted.

Section 610.639 *Blue Federal airway 39* is amended to delete:

From Augusta, Ga., LFR; to Greenville, S.C., LFR; MEA 2,300.

Section 610.654 *Blue Federal airway 54* is deleted.

Section 610.660 *Blue Federal airway 60* is deleted.

Section 610.6002 *VOR Federal airway 2* is amended to read in part:

From *Seattle, Wash., VOR, via S alter.; to Black Diamond INT, Wash., via S alter., southeastbound, MEA 6,000; northwestbound MEA 4,000. *4,000—MCA Seattle VOR, southeastbound.
From *Black Diamond INT, Wash., via S alter.; to Humphrey INT, Wash., via S alter.; southeastbound, MEA 10,000; northwestbound, MEA 6,000. *7,500—MCA Black Diamond INT, southeastbound.

Section 610.6004 *VOR Federal airway 4* is amended to read in part:

From *Seattle, Wash., VOR; to Black Diamond INT, Wash., southeastbound, MEA 6,000; northwestbound, MEA 4,000. *4,000—MCA Seattle VOR, southeastbound.
From *Black Diamond INT, Wash., to Humphrey INT, Wash., southeastbound, MEA 10,000; northwestbound, MEA 6,000. *7,500—MCA Black Diamond INT, southeastbound.
From Louisville, Ky., VOR; to Lexington, Ky., VOR; MEA 2,200.

Section 610.6006 *VOR Federal airway 6* is amended to read in part:

From Blue Canyon INT, Calif., via N alter.; to Signal INT, Calif., via N alter.; MEA 11,000.
From South Bend, Ind., VOR; to Brighton INT, Ind.; MEA *3,000. *2,300—MOCA.
From Brighton INT, Ind.; to *Pioneer INT, Ohio; MEA **4,000. *4,000—MRA. **2,300—MOCA.

Section 610.6009 *VOR Federal airway 9* is amended to read in part:

From *Gilmore INT, Ark.; to **Dell INT, Ark.; MEA ***4,800. *4,800—MRA. **3,000—MRA. ***1,600—MOCA.
From Dell INT, Ark.; to Malden, Mo., VOR; MEA *3,000. *1,600—MOCA.
From Jackson, Miss., VORTAC; to *Berryville INT, Miss., MEA 1,800. *5,000—MRA.
From Berryville INT, Miss.; to Greenwood, Miss., VOR; MEA 1,800.

Section 610.6010 *VOR Federal airway 10* is amended to delete:

From Youngstown, Ohio, VOR; to Clarion, Pa., VOR; MEA 2,600.
From Clarion, Pa., VOR; to Philipsburg, Pa., VOR; MEA 4,000.
From Philipsburg, Pa., VOR; to Selinsgrove, Pa., VOR; MEA 4,000.
From Selinsgrove, Pa., VOR; to Stroudsburg, Pa., VOR; MEA 4,000.
From Stroudsburg, Pa., VOR; to Somerset INT, N.J.; MEA 2,500.
From Somerset INT, N.J.; to Coney Island INT, N.Y.; MEA 2,000.

Section 610.6010 *VOR Federal airway 10* is amended to read in part:

From Pelee INT, Ont.; to Gill INT, Ohio; MEA *#3,500. *2,500—MOCA. #For that airspace over U.S. territory.

Section 610.6012 *VOR Federal airway 12* is amended to read in part:

From Sheridan INT, Ariz., via S alter.; to *Prescott, Ariz., VORTAC via S alter.; MEA 9,000. *8,500—MCA Prescott VORTAC, eastbound. *9,000—MCA Prescott VORTAC, westbound.
From Prescott, Ariz., VORTAC, via S alter.; to Cornville INT, Ariz., via S alter.; MEA 10,000.
From *Aetna INT, Okla., via N alter.; to **Salt INT, Kans., via N alter.; MEA ***6,300. *10,500—MRA. **4,800—MRA. ***3,500—MOCA.

Section 610.6015 *VOR Federal airway 15* is amended to read in part:

From Tioga INT, Tex.; to Ardmore, Okla., VOR; MEA 2,600.

Section 610.6018 *VOR Federal airway 18* is amended to read in part:

From *Decatur INT, Miss.; to Meridian, Miss., VORTAC; MEA **2,000. *4,000—MRA. **1,700—MOCA.

From Meridian, Miss., VORTAC; to Moundville INT, Ala.; MEA *3,500. *1,700—MOCA.

From *Union INT, Miss., via N alter.; to Meridian, Miss., VORTAC via N alter.; MEA ** 2,200. *2,500—MRA. **1,900—MOCA.

From Meridian, Miss., VORTAC via N alter.; to Tuscaloosa, Ala., VOR via N alter.; MEA *2,000. *1,600—MOCA.

From Johns INT, Miss., via S alter.; to Meridian, Miss., VORTAC via S alter.; MEA *2,500. *1,900—MOCA.

Section 610.6020 *VOR Federal airway 20* is amended to read in part:

From Houston, Tex., VOR via S alter.; to LaPorte INT, Tex., via S alter.; MEA 1,500.

From LaPorte INT, Tex., via S alter.; to High Island INT, Tex., via S alter.; MEA *3,000. *1,200—MOCA.

Section 610.6021 *VOR Federal airway 21* is amended to read in part:

From *Gunlock INT, Utah; to Milford, Utah, VORTAC; MEA 10,000. *15,000—MRA.

From Milford, Utah, VORTAC; to Delta, Utah, VOR; MEA 9,000.

From Mormon Mesa, Nev., VOR via W alter.; to Milford, Utah, VORTAC via W alter.; MEA 10,000.

From Milford, Utah, VORTAC via W alter.; to Delta, Utah, VOR via W alter.; MEA 10,000.

From *Hurricane INT, Utah, via E alter.; to Milford, Utah, VORTAC via E alter.; MEA **14,000. *14,000—MRA. **11,000—MOCA.

From *Dubois, Idaho, VOR; to Dillon, Mont., VORTAC; MEA 11,500. *9,600—MCA Dubois VOR, northbound.

From Dillon, Mont., VORTAC; to *Whitehall, Mont., VOR; MEA 10,500. *9,300—MCA Whitehall VOR, northbound.

Section 610.6023 *VOR Federal airway 23* is amended to read in part:

From Saugus INT, Calif. (deletes MCA Saugus INT, northbound); to Lake Hughes, Calif., VOR; MEA 9,000.

Section 610.6035 *VOR Federal airway 35* is amended to read in part:

From *Reno INT, Ga., via E alter.; to **Hartsfield INT, Ga., via E alter.; MEA ***2,000, *2,500—MRA. **2,000—MRA. ***1,700—MOCA.

Section 610.6049 *VOR Federal airway 49* is deleted.

Section 610.6053 *VOR Federal airway 53* is amended to read in part:

From Louisville, Ky., VOR; to Lexington, Ky., VOR; MEA 2,200.

Section 610.6054 *VOR Federal airway 54* is amended to read in part:

From Holly Springs, Miss., VOR via S alter.; to Booneville INT, Miss., via S alter.; MEA *1,900. *1,800—MOCA.

From Booneville INT, Miss., via S alter.; to Maud INT, Ala., via S alter.; MEA *4,000. *1,700—MOCA.

From Maud INT, Ala., via S alter.; to Muscle Shoals, Ala., VOR via S alter.; MEA 1,900.

Section 610.6060 *VOR Federal airway 60* is amended to read in part:

From Texico, N. Mex., VOR; to *Hale INT, Tex.; MEA **8,000. *8,000—MRA. **5,000—MOCA.

From Hale INT, Tex.; to Lubbock, Tex., VOR; MEA 4,500.

Section 610.6062 *VOR Federal airway 62* is amended to read in part:

From *Prescott, Ariz., VORTAC; to Cornville INT, Ariz.; MEA 10,000. *8,500—MCA Prescott VORTAC, eastbound.

From Texico, N. Mex., VOR; to *Hale INT, Tex.; MEA **8,000. *8,000—MRA. **5,000—MOCA.

From Hale INT, Tex.; to Lubbock, Tex., VOR; MEA 4,500.

Section 610.6066 *VOR Federal airway 66* is amended to read in part:

From Yuma, Ariz., VOR; to Gila Bend, Ariz., VOR; MEA 4,000.

Section 610.6074 *VOR Federal airway 74* is amended to read in part:

From Greensburg INT, Kans.; to *Salt INT, Kans.; MEA **3,600. *4,800—MRA. **3,300—MOCA.

Section 610.6076 *VOR Federal airway 76* is amended to read in part:

From Paige INT, Tex.; to Round Top INT, Tex.; MEA *2,500. *1,700—MOCA.

From Round Top INT, Tex.; to Sealy INT, Tex.; MEA *3,500. *1,700—MOCA.

Section 610.6081 *VOR Federal airway 81* is amended to read in part:

From Lubbock, Tex., VOR; to *Hale INT, Tex.; MEA 4,500. *8,000—MRA.

Section 610.6094 *VOR Federal airway 94* is amended to read in part:

From Gila Bend, Ariz., VOR; to Casa Grande, Ariz., VOR; MEA 6,000.

Section 610.6095 *VOR Federal airway 95* is amended to read in part:

From Phoenix, Ariz., VOR; to Knob INT, Ariz., northbound, MEA 8,000; southbound, MEA 6,000.

Section 610.6103 *VOR Federal airway 103* is amended to read in part:

From Greensboro, N.C., VOR; to Price INT, N.C.; MEA 2,100.

From Price INT, N.C.; to Hollins, Va., VORTAC; MEA 5,600.

Section 610.6105 *VOR Federal airway 105* is amended to read in part:

From Rock Springs INT, Ariz.; to Prescott, Ariz., VORTAC; MEA 10,000.

From *Prescott, Ariz., VORTAC; to Mount Hope INT, Ariz., southeastbound, MEA 8,000; northwestbound, MEA 10,000. *9,000—MCA Prescott VORTAC, northwestbound.

From Ranch INT, Ariz., via E alter.; to Prescott, Ariz., VORTAC via E alter.; MEA 9,000.

From Prescott, Ariz., VORTAC via E alter.; to Drake, Ariz., VOR via E alter.; MEA 8,000.

From Phoenix, Ariz., VOR; to *Cactus INT, Ariz., northbound, MEA 7,000; southbound, MEA 5,000. *7,000—MRA.

*From Cactus INT, Ariz.; to *Cave Creek INT, Ariz., northbound, MEA 7,000; southbound, MEA 5,000. *7,500—MCA Cave Creek INT, northbound.

From Phoenix, Ariz., VOR via E alter.; to Knob INT, Ariz., via E alter., northbound, MEA 8,000; southbound, MEA 6,000.

Section 610.6107 *VOR Federal airway 107* is amended to read in part:

From *Reyes INT, Calif.; to **Cuyama INT, Calif.; MEA ***15,000. *13,000—MCA Reyes INT, northwestbound. **14,000—MRA. **15,000—MCA Cuyama INT, southeastbound. ***9,500—MOCA.

Section 610.6114 *VOR Federal airway 114* is amended to read in part:

From Childress, Tex., VOR; to Wichita Falls, Tex., VOR; MEA 3,600.

Section 610.6117 *VOR Federal airway 117* is amended to read in part:

From Palm Springs INT, Calif.; to *Bullion INT, Calif.; MEA **1,600. *16,000—MCA Bullion INT, southbound. **12,000—MOCA.

Section 610.6130 *VOR Federal airway 130* is amended to read in part:

From Colebrook INT, Mass.; to Bradley INT, Conn.; MEA 3,000.

From Bradley INT, Conn.; to Hartford, Conn., VOR; MEA 2,500.

Section 610.6137 *VOR Federal airway 137* is amended to read in part:

From Victory INT, Calif.; to Sandberg INT, Calif.; MEA 8,000.

From Sandberg INT, Calif.; to Gorman, Calif., VOR westbound; MEA 10,000. Eastbound; MEA 8,000.

From *Gorman, Calif., VOR; to **Cuyama INT, Calif.; MEA ***14,000. *10,500—MCA Gorman VOR, northwestbound. **14,000—MRA. **14,000—MCA Cuyama INT, southeastbound. ***11,000—MOCA.

Section 610.6140 *VOR Federal airway 140* is amended to read in part:

From Freedom INT, Ky., via N alter.; to Highway INT, Ky., via N alter.; MEA 4,000.

Section 610.6148 *VOR Federal airway 148* is amended to read in part:

From O'Neill, Nebr., VOR; to *Tyndall INT, S. Dak.; MEA 4,000. *7,500—MRA.

Section 610.6154 *VOR Federal airway 154* is amended to read in part:

From Meridian, Miss., VORTAC; to *York INT, Ala.; MEA 2,000. *2,500—MRA.

Section 610.6155 *VOR Federal airway 155* is amended to read in part:

From Blythewood INT, S.C.; to Chesterfield, S.C., VOR; MEA *2,500. *1,700—MOCA.

Section 610.6171 *VOR Federal airway 171* is amended to read in part:

From Elba INT, Minn.; to Zumbrota INT, Minn.; MEA 2,500.

From Zumbrota INT, Minn.; to Farmington, Minn., VOR; MEA 2,200.

Section 610.6172 *VOR Federal airway 172* is amended to read in part:

From Avoca INT, Iowa; to *Menlo INT, Iowa; MEA 2,600. *4,500—MRA.

Section 610.6176 *VOR Federal airway 176* is amended to read in part:

From Holly Springs, Miss., VOR, via N alter.; to Booneville INT, Miss., via N alter.; MEA *1,900. *1,800—MOCA.

From Booneville INT, Miss., via N alter.; to Maud INT, Ala., via N alter.; MEA *4,000. *1,700—MOCA.

Section 610.6187 *VOR Federal airway 187* is amended to read in part:

From Farmington, N. Mex., VOR; to *Grand Junction, Colo., VOR; MEA 14,500. *12,000—MCA Grand Junction VOR, southbound.

From Dolores River INT, Colo., via W alter.; to *Grand Junction, Colo., VOR via W alter.; MEA 12,000. *12,000—MCA Grand Junction VOR, southbound.

Section 610.6188 *VOR Federal airway 188* is amended to read in part:

From Pelee INT, Ont., Canada; to Gill INT, Ohio; MEA *#3,500. *2,500—MOCA. #For that airspace over U.S. territory.

Section 610.6190 *VOR Federal airway 190* is amended to read in part:

From Phoenix, Ariz., VOR; to Horse Creek INT, Ariz.; MEA 6,000.

From *Horse Creek INT, Ariz.; to **Salt River INT, Ariz., northeastbound, MEA 12,000; southwestbound, MEA 10,000. *10,000—MCA Horse Creek, INT, northeastbound. **13,000—MRA.

From Salt River INT, Ariz.; to St. Johns, Ariz., VOR; MEA *12,000. *11,000—MOCA.

Section 610.6191 *VOR Federal airway 191* is amended to read in part:

From *Marion INT, Ark.; to **Gilmore INT, Ark.; MEA 2,300. *2,500—MRA; **4,800—MRA.

Section 610.6194 *VOR Federal airway 194* is amended to read in part:

From *Rose Hill INT; to Meridian, Miss., VORTAC; MEA 1,800. *3,000—MRA.

Section 610.6195 *VOR Federal airway 195* is amended to read in part:

From Oakland, Calif., VOR; to Crockett INT, Calif.; MEA 5,000.

From Crockett INT, Calif.; to Guinda INT, Calif.; MEA 6,000.

From Guinda INT, Calif.; to Williams, Calif., VOR; MEA 5,000.

Section 610.6201 *VOR Federal airway 201* is amended to read in part:

From Soledad INT, Calif.; to *Palmdale, Calif., VOR, northeastbound, MEA 7,000; southwestbound, MEA 9,000. *7,000—MCA Palmdale VOR, southwestbound.

Section 610.6237 *VOR Federal airway 237* is amended to read in part:

From Union Pass INT, Ariz.; to *Mead INT, Nev.; MEA 9,000. *7,500—MCA Mead INT, southbound.

Section 610.6244 *VOR Federal airway 244* is amended to read in part:

From Pioche, Nev., VOR; to *Milford, Utah, VORTAC; MEA 12,000. *10,000—MCA Milford VORTAC, westbound; *12,000—MCA Milford VORTAC, eastbound.

From Milford, Utah, VORTAC; to *Delano INT, Utah; MEA 14,000. *17,000—MCA Delano INT, eastbound.

Section 610.6253 *VOR Federal airway 253* is amended to read in part:

From Lucin, Utah, VOR; to Rock Creek INT, Idaho; MEA *11,000. *10,000—MOCA.

From Rock Creek INT, Idaho; to *Twin Falls, Idaho, VOR, northwestbound, MEA 9,000; southeastbound, MEA 11,000. *9,000—MCA Twin Falls VOR, southeastbound.

Section 610.6257 *VOR Federal airway 257* is amended to read in part:

From Drake, Ariz., VOR; to *Floyd INT, Ariz., northbound, MEA 11,000; southbound, MEA 10,000. *11,000—MRA.

From Bryce Canyon, Utah, VOR via W alter.; to *Milford, Utah, VORTAC via W alter.; MEA 12,500. *11,000—MCA Milford VORTAC, southeastbound.

From Milford, Utah, VORTAC via W alter.; to Delta, Utah, VOR via W alter.; MEA 9,000.

Section 610.6257 *VOR Federal airway 257* is amended by adding:

From Phoenix, Ariz., VOR; to *Cactus INT, Ariz., northbound, MEA 7,000; southbound, MEA 5,000. *7,000—MRA.

From Cactus INT, Ariz.; to *Cave Creek INT, Ariz., northbound, MEA 7,000; southbound, MEA 5,000. *7,500—MCA Cave Creek INT, northbound.

From Cave Creek INT, Ariz.; to Rock Springs INT, Ariz.; northbound, MEA 10,000; southbound, MEA 8,500.

From Rock Springs INT, Ariz.; to Prescott, Ariz., VORTAC; MEA 10,000.

From Prescott, Ariz., VORTAC; to Drake, Ariz., VOR; MEA 8,000.

From Delta, Utah, VOR; to Vernon INT, Utah; MEA 11,000.

From *Vernon INT, Utah; to **Stansbury INT, Utah; MEA 12,000. *12,000—MCA Vernon INT, northbound; **11,000—MCA Stansbury INT, southbound.

From Stansbury INT, Utah; to Promontory Pt. INT, Utah; MEA 9,000.

From Promontory Pt. INT, Utah; to Malad City, Idaho, VOR; MEA 10,000.

From Malad City, Idaho, VOR; to *Pocatello, Idaho, VOR; MEA 11,000. *9,000—MCA Pocatello VOR, southbound.

From Pocatello, Idaho, VOR; to Dubois, Idaho, VOR; MEA 7,500.

From *Dubois, Idaho, VOR; to Dillon, Mont., VORTAC; MEA 11,500. *9,600—MCA Dubois VOR, northbound.

From Dillon, Mont., VORTAC; to *Butte, Mont., VOR; MEA 11,500. *10,200—MCA Butte, VOR, southbound.

From Butte, Mont., VOR; to Int. 343 M Butte VOR and 253 M rads Helena VOR; MEA 9,000.

From Int. 343 M Butte, VOR and 253 M rads Helena, VOR; to Avon INT, Mont.; MEA 9,000.

From Avon INT, Mont.; to Wolf Creek INT, Mont.; MEA 9,500.

From Wolf Creek INT, Mont.; to *Great Falls, Mont., VOR; MEA 8,500. *6,600—MCA Great Falls VOR, southwestbound.

From Cascade, Mont., FM; to Great Falls, Mont., VOR, northeastbound only; MEA 5,500.

Section 610.6264 *VOR Federal airway 264* is amended to read in part:

From Rice, Calif., VOR; to *Prescott, Ariz., VORTAC; MEA 10,000. *9,000—MCA Prescott VORTAC, westbound.

Section 610.6269 *VOR Federal airway 269* is amended to delete:

From Pocatello, Idaho, VOR; to Dubois, Idaho, VOR; MEA 7,500.

Section 610.6278 *VOR Federal airway 278* is amended to read in part:

From *Garza INT, Tex.; to Dallas, Tex., VOR; MEA 1,900. *3,900—MRA.

Section 610.6280 *VOR Federal airway 280* is amended to read in part:

From *Salt INT, Kans.; to Hutchinson, Kans., VOR; MEA **4,800. *6,300—MCA Salt INT, southwestbound; *4,800—MRA; **2,900—MOCA.

Section 610.6291 *VOR Federal airway 291* is amended to delete:

From Prescott, Ariz., VOR; to Drake, Ariz., VOR; MEA 8,000.

Section 610.6423 *VOR Federal airway 423* is deleted.

Section 610.6463 *VOR Federal airway 463* is amended to read:

From Norwich, Conn., VOR; to Putnam, Conn., VOR; MEA 2,000.

Section 610.6608 *VOR Federal airway 1508* is amended to read in part:

From *Gunlock INT, Utah; to Milford, Utah, VORTAC; MEA 10,000. *15,000—MRA.

From *Milford, Utah, VORTAC; to Kanosh INT, Utah; MEA 12,000. *11,000—MCA Milford VORTAC, northeastbound.

From Pelee INT, Ont., Canada; to Gill INT, Ohio; MEA *#3,500. *2,500—MOCA. #For that airspace over U.S. territory.

Section 610.6610 *VOR Federal airway 1510* is amended to read in part:

From South Bend, Ind., VOR via N alter.; to Brighton INT, Ind., via N alter.; MEA *3,000. *2,300—MOCA.

From Brighton INT, Ind., via N alter.; to *Pioneer INT, Ohio., via N alter.; MEA **4,000. *4,000—MRA; **2,300—MOCA.

Section 610.6614 *VOR Federal airway 1514* is amended to read in part:

From Pioche, Nev., VOR; to *Milford, Utah, VORTAC; MEA 12,000. *10,000—MCA Milford VORTAC, westbound; *12,000—MCA Milford VORTAC, eastbound.

From Milford, Utah, VORTAC; to *Delano INT, Utah; MEA 14,000. *17,000—MCA Delano INT, eastbound.

Section 610.6616 *VOR Federal airway 1516* is amended to read in part:

From Clark INT, Calif.; to Goffs, Calif., VOR; MEA 12,000.

Section 610.6620 *VOR Federal airway 1520* is amended to read in part:

From Sheridan INT, Ariz.; to *Prescott, Ariz., VORTAC; MEA 9,000. *9,000—MCA Prescott VORTAC, westbound; *8,500—MCA Prescott VORTAC, eastbound.

From Prescott, Ariz., VORTAC; to Cornville INT, Ariz.; MEA 10,000.

From Childress, Tex., VOR; to Wichita Falls, Tex., VOR; MEA 3,600.

Section 610.6629 *VOR Federal airway 1529* is amended to read in part:

From *Gunlock INT, Utah; to Milford, Utah, VORTAC; MEA 10,000.

From *Milford, Utah, VORTAC; to Kanosh INT, Utah; MEA 12,000. *11,000—MCA Milford VORTAC, northeastbound.

Section 610.6631 *VOR Federal airway 1531* is amended to read in part:

From Dickinson, N. Dak., VOR; to Minot, N. Dak., VOR; MEA 4,100.

From Lamont INT, Idaho; to *Billings, Mont., VOR; **16,000. *11,000—MCA Billings VOR, southwestbound

**Continuous navigation signal coverage does not exist over the entire route segment below 18,000 feet.

Section 610.6635 *VOR Federal airway 1535* is amended to read in part:

From Boise, Idaho, VOR; to *Missoula, Mont., VOR; MEA 15,000. *10,500—MCA Missoula VOR, southwestbound.

From *Missoula, Mont., VOR; to **Elk INT, Mont.; MEA 17,000. *10,000—MCA Missoula VOR, northeastbound; **17,000—MRA.

From Elk INT, Mont.; to *Cut Bank, Mont., VOR; MEA 17,000. *8,000—MCA Cut Bank VOR, southwestbound.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a) 1348(c))

These rules shall become effective December 17, 1959.

Issued in Washington, D.C., on November 10, 1959.

B. PUTNAM,
Acting Director,
Bureau of Flight Standards.

[F.R. Doc. 59-9721; Filed, Nov. 18, 1959; 8:45 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

PART 221—OPERATION AND MAINTENANCE CHARGES

Ahtanum Indian Irrigation Project, Washington

On October 1, 1959, there was published in the daily issue of the FEDERAL REGISTER, Volume 24, No. 192, p. 7901, notice of intention to amend § 221.1, Subchapter T, Chapter I of the Code of Federal Regulations, Title 25.

This section deals with the operation and maintenance charges on assessable

lands on the Ahtanum Irrigation Project on the Yakima Indian Reservation, Washington.

Interested parties were thereby given opportunity to participate in preparing the proposed amendment by submitting their views and data or arguments in writing to Don C. Foster, Area Director, within 30 days from the date of publication of the notice. No written or oral arguments have been received. Accordingly, § 221.1 of Title 25, Code of Federal Regulations, Chapter I, Bureau of Indian Affairs, Subchapter T, Operation and Maintenance, is amended as follows:

§ 221.1 Charges.

Pursuant to the provisions of the acts of August 1, 1914 and March 7, 1928 (38 Stat. 583 and 45 Stat. 210; 25 U.S.C. 385, 387), the operation and maintenance charges on lands of the Ahtanum Indian irrigation project, Yakima Indian Reservation, Washington, for the calendar year 1960 and subsequent years until further notice, are hereby fixed at $2.75 per acre per annum for each irrigable acre of land to which water can be delivered from the project works.

(Secs. 1, 3, 36 Stat. 270, 272, as amended; 25 U.S.C. 385).

PERRY E. SKARRA,
Acting Area Director.

[F.R. Doc. 59-9769; Filed, Nov. 18, 1959; 8:45 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER S—NUMBERING OF UNDOCUMENTED VESSELS, STATISTICS ON NUMBERING, AND "BOATING ACCIDENT REPORTS" AND ACCIDENT STATISTICS

[CGFR 59-49]

PART 172—NUMBERING REQUIREMENTS UNDER ACT OF JUNE 7, 1918

Subpart 172.25—Termination Requirements

APPROVAL OF OREGON SYSTEM OF NUMBERING

Acting under the authority delegated by Treasury Department Order 167-32, dated September 23, 1958 (23 F.R. 7605), the Commandant, United States Coast Guard, on November 2, 1959, approved the Oregon system for the numbering of motorboats, which was established pursuant to the Federal Boating Act of 1958.

As provided in this approval, the Oregon system shall be operative on and after Friday, January 1, 1960. On that date the authority to number motorboats principally used in the State of Oregon will pass to that State and simultaneously the Coast Guard will discontinue numbering such motorboats. Those motorboats presently numbered should continue to display the Coast Guard number until renumbered by Oregon. On and after January 1, 1960, all reports of "boating accidents" which involve motorboats numbered in Oregon will be required to be reported to the Oregon State Marine Board pursuant to the pertinent provisions of Chapter 686, Oregon Laws 1959, House Bill No. 595, Fiftieth Legislative Assembly.

Because § 172.25-15(a)(10), as set forth in this document, is an informative rule about official actions performed by the Commandant, it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedures thereon, and effective date requirements thereof) is unnecessary.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), and 167-17, dated June 29, 1955 (20 F.R. 4976), to promulgate rules in accordance with the statutes cited with the informative rule below, the following § 172.25-15(a)(10) is prescribed and shall be in effect on and after the date set forth therein:

§ 172.25-15 Effective dates for approved State systems of numbering.

(a) * * *

(10) Oregon—January 1, 1960.

(Sec. 3, 60 Stat. 238, and sec. 633, 63 Stat. 545; 5 U.S.C. 1002, 14 U.S.C. 633)

Dated: November 12, 1959.

[SEAL] A. C. RICHMOND,
Vice Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 59-9792; Filed, Nov. 18, 1959; 8:49 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 59-1160]

PART 10—PUBLIC SAFETY RADIO SERVICES

PART 11—INDUSTRIAL RADIO SERVICES

Extension of Cut-Off Date for Use of Government Scatter Frequencies in Certain Bands

1. The Commission has before it for consideration three petitions [1] requesting relief for licensees in the Special Industrial Radio Service operating on frequencies in the 49.51-50.0 Mc band. Before discussing the nature of the relief requested, it is believed that the background for the petitions should be chronologically set forth.

2. On September 19, 1957, the Commission adopted an Order (FCC 57-1016) reallocating the frequency bands 46.6-47.0 and 49.6-50.0 Mc from non-Government to Government use, the said bands being required for the immediate use of Government radio stations utilizing the technique of forward propagation by ionospheric scatter (FPIS).[2] The Order provided that existing licensees in these bands would be permitted to continue to operate on their assigned frequencies until the expiration of their current authorizations or, optionally (with appropriate renewals), until December 31, 1959.

3. In its First Report and Order in Docket No. 12169 (FCC 57-1393), the Commission, on the basis of the facts then before it, concluded that there was also a requirement for FPIS fixed circuits for International Fixed Public and Aeronautical Fixed stations. Recognizing that the eventual size and nature of the total spectrum-requirement for these non-Government scatter purposes could not be determined with precision until after the 1959 International Conference, the Commission, nonetheless, felt compelled to reallocate two 90-kilocycle blocks of space to satisfy its estimate of existing needs. For technical reasons, it was deemed advisable that these two blocks be adjacent to the Government scatter space, and that they consist of the 46.51-46.6 and 49.51-49.6 Mc bands.[3] For amortization purposes, the Commission provided that existing licensees on the frequencies 46.54, 46.58, 49.54 and 49.58 Mc could continue to operate on their assigned frequencies until no later than April 1, 1963, such licensees to have renewal and modification privileges.

4. Contending that there has been an abandonment of the plans to use the space for the scatter purposes intended, the SIRSA and James petitions request in substance, that the 49.51-49.6 Mc band be returned to the Special Industrial Radio Service; and that channel-splitting procedures be invoked to make available for assignment the frequencies 49.52 and 49.56 Mc, as well as the frequencies 49.54 and 49.58 Mc. The James petition goes one step further and requests that the latter frequencies be designated for general use or, in the alternative, that one of the new frequencies be designated for itinerant use. In addition to arguing that the Special Industrial service has the strongest claim to the "abandoned" space, both petitioners ground their pleas in the consideration that it would be more economical and otherwise advantageous if present licensees in the 49.6-50.0 Mc range were able to move at their respective cut-off dates to the 49.51-49.6 Mc region, rather than to available frequencies in the 47 or 43 Mc

[1] Petition of Special Industrial Radio Service Association (SIRSA), filed August 24, 1959; petition of T. L. James & Company, R. B. Tyler Company et al. (James), filed September 28, 1959; and petition of O. R. Cote et al. (Cote), filed September 30, 1959.

[2] Assignable frequencies in the 46.6-46.83 Mc portion of the 46.6-47.0 Mc band had been available in the Forestry-Conservation Radio Service; assignable frequencies in the 46.83-47.0 Mc portion had been available in the Highway Maintenance Radio Service. Assignable frequencies in the 49.6-50.0 Mc band had been available in the Special Industrial Radio Service, the Forest Products Radio Service sharing in the use of the frequencies 49.62 and 49.66 Mc, and the Motion Picture Radio Service sharing in the use of the frequencies 49.70, 49.74, 49.78 and 49.82 Mc.

[3] Assignable frequencies in the 46.51-46.6 Mc band (46.54 and 46.58 Mc) had been available in the Forestry-Conservation Radio Service. Assignable frequencies in the 49.51-49.6 Mc band (49.54 and 49.58 Mc) had been available to both the Special Industrial and Forest Products Radio Services.

bands. The Cote petition cites the pendency of the James petition, indorses the advantages of permitting licensees in the 49.6–50 Mc range to shift to the closest possible frequencies, and requests that the December 31, 1959, cut-off date be extended until ninety days after final action is taken on the James petition. This petitioner points out that the interim relief would not adversely affect the use of the space in question for the purposes for which it has been reallocated, since many licensees who are permitted to use the frequencies until the expiration of their current authorizations, need not move until 1962.

5. The Commission is not yet prepared to say that announced intentions to substitute cable and other type circuits for originally-planned FPIS systems constitute a lack of further interest in the non-Government scatter allocation. The Commission's view is that any action reallocating the space involved for land mobile purposes prior to the outcome of the International Conference would be decidedly premature. Accordingly, action on the merits of the SIRSA and James petitions will be withheld until all of the records of the International Conference are available for guidance.

6. Notwithstanding the foregoing, however, the Commission recognizes the possibility that ITU Conference action may necessitate further consideration of various existing national allocations. This being so, the Commission believes that the points made in the Cote petition are well taken, and that it would be inequitable to force affected licensees to meet the December 31, 1959 deadline if a shorter jump in frequencies is ultimately provided. Accordingly, a grant of the substance of the Cote petition appears to be warranted. In the interest of certainty, however, the Commission believes that a one-year extension is preferable to the indefinite period requested by Cote. Additionally, the Commission believes that the relief being extended to the Industrial users in the 49.6–50.0 Mc band should also be extended to the Public Safety users in the 46.6–47.0 Mc band. In taking advantage of this extension, any affected licensee[1] should bear in mind that he will continue to be offered no protection against interference by Government FPIS systems operating in accordance with their allocation, and that the extension, so far as he is concerned, is subject to the condition that no harmful interference be caused to any such government services.

7. Because, as pointed out by Cote, the great majority of affected licensees could continue to operate in the Government bands beyond the December 31, 1959 cut-off date—some until as late as 1962—the Commission sees no significant adverse effect to any present or future FPIS systems. This is particularly so in light of the conditions set forth in the preceding paragraphs. It appears, therefore, that amendments providing a one-year extension can be effected without the necessity of the notice and public procedures contemplated by section 4 of the Administrative Procedure Act. Additionally, in this regard, the Government has been informed of, and has offered no objections to, the amendments ordered herein. Authority for such amendments is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

In view of the foregoing: *It is ordered,* This 12th day of November 1959, (a) That the Petition for Interim Relief, filed on September 30, 1959, by O. R. Cote Company et al., is granted in part; and (b) That effective December 21, 1959, Parts 10 and 11 of the Commission's rules are amended in the manner set forth below.

Released: November 16, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

I. Part 10 of the Commission's rules, Public Safety Radio Services, is amended as follows:

1. Section 10.355(e) (19) is amended to read as follows:

§ 10.355 Frequencies available to the Forestry-Conservation Radio Service.

* * * * * * *

(e) * * *

(19) Not available for assignment after March 31, 1958, except that licensees authorized to use this frequency prior to April 1, 1958, may continue to be authorized such use, including renewal and modification of existing authorizations, until December 31, 1960, or until expiration of authorizations in force as of March 31, 1958, whichever is later.

2. Section 10.405(f) (12) is amended to read as follows:

§ 10.405 Frequencies available to the Highway Maintenance Radio Service.

* * * * * * *

(f) * * *

(12) Not available for assignment after March 31, 1958, except that licensees authorized to use this frequency prior to April 1, 1958, may continue to be authorized such use, including renewal and modification of existing authorizations, until December 31, 1960, or until expiration of authorizations in force as of March 31, 1958, whichever is later.

II. Part 11 of the Commission's rules, Industrial Radio Services, is amended as follows:

1. Section 11.506(a) is amended to read as follows:

§ 11.506 Unlisted frequencies.

(a) Radio systems authorized to operate in the band 49.6–50.0 Mc previously available to this service may continue to operate until the expiration of the existing licenses or until December 31, 1960, whichever is later. Where a single system involves licenses with different expiration dates, the date of the last expiring license will be considered the system expiration date and all authorizations expiring prior to that date may be extended to, but not beyond, the date of the last expiring license.

[F.R. Doc. 59-9790; Filed, Nov. 18, 1959; 8:48 a.m.]

[1] An affected licensee is one who, but for the amendments adopted herein, would have been forced to vacate his frequency prior to December 31, 1960.

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 48]

RECREATIONAL EQUIPMENT AND OTHER ITEMS

Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] CHARLES I. FOX,
Acting Commissioner of Internal Revenue.

Subparts K and L of the Manufacturers and Retailers Excise Tax Regulations (26 CFR Part 48) set forth below are hereby prescribed under subchapters D and E, respectively, of chapter 32 of the Internal Revenue Code of 1954, as amended, relating to manufacturers excise taxes on the sale of sporting goods, photographic equipment, firearms, business machines, pens, mechanical pencils and lighters, and matches:

Subpart K—Sporting Goods, Photographic Equipment, and Firearms

SPORTING GOODS

Sec.	
48.4161	Statutory provisions; imposition of tax.
48.4161–1	Imposition and rate of tax.
48.4161–2	Parts or accessories.

Sec.
48.4161–3 Tax-free sales:

PHOTOGRAPHIC EQUIPMENT

48.4171 Statutory provisions; imposition of tax.
48.4171–1 Imposition and rates of tax.
48.4171–2 Meaning of terms.
48.4171–3 Parts or accessories.
48.4172 Statutory provisions; definition of certain vendees as manufacturers.
48.4172–1 Status of persons who purchase nontaxable photographic film and convert it to taxable photographic film.
48.4173 Statutory provisions; exemptions.
48.4173–1 Exempt sales.
48.4173–2 Other tax-free sales.

FIREARMS

48.4181 Statutory provisions; imposition of tax.
48.4181–1 Imposition and rates of tax.
48.4181–2 Meaning of terms.
48.4182 Statutory provisions; exemptions.
48.4182–1 Exempt sales.
48.4182–2 Other tax-free sales.

Subpart L—Business Machines, Pens, Mechanical Pencils and Lighters, and Matches

BUSINESS MACHINES

48.4191 Statutory provisions; imposition of tax.
48.4191–1 Imposition and rate of tax.
48.4191–2 Parts or accessories.
48.4192 Statutory provisions; exemptions.
48.4192–1 Exempt sales.
48.4192–2 Other tax-free sales.

PENS AND MECHANICAL PENCILS AND LIGHTERS

48.4201 Statutory provisions; imposition of tax.
48.4201–1 Imposition and rate of tax.
48.4201–2 Meaning of terms.
48.4201–3 Tax-free sales.

MATCHES

48.4211 Statutory provisions; imposition of tax.
48.4211–1 Imposition and rates of tax.
48.4211–2 Meaning of terms.
48.4211–3 Tax-free sales.

Subpart K—Sporting Goods, Photographic Equipment, and Firearms

SPORTING GOODS

§ 48.4161 Statutory provisions; imposition of tax.

SEC. 4161. *Imposition of tax.* There is hereby imposed upon the sale by the manufacturer, producer, or importer of the following articles (including in each case parts or accessories of such articles sold on or in connection therewith, or with the sale thereof) a tax equivalent to 10 percent of the price for which so sold:

Badminton nets, rackets and racket frames (measuring 22 inches overall or more in length), racket string, shuttlecocks, and standards.

Billiard and pool tables (measuring 45 inches overall or more in length) and balls and cues for such tables.

Bowling balls and pins.

Clay pigeons and traps for throwing clay pigeons.

Cricket balls and bats.

Croquet balls and mallets.

Curling stones.

Deck tennis rings, nets and posts.

Fishing rods, creels, reels and artificial lures, baits and flies.

Golf bags (measuring 26 inches or more in length), balls and clubs (measuring 30 inches or more in length).

Lacrosse balls and sticks.

Polo balls and mallets.

Skis, ski poles, snowshoes, and snow toboggans and sleds (measuring more than 60 inches overall in length).

Squash balls, rackets and racket frames (measuring 22 inches overall or more in length), and racket string.

Table tennis tables, balls, nets and paddles.

Tennis balls, nets, rackets and racket frames (measuring 22 inches overall or more in length) and racket string.

[Sec. 4161 as originally enacted and in effect Jan. 1, 1959]

§ 48.4161–1 Imposition and rate of tax.

(a) *Imposition of tax*—(1) *In general.* Section 4161 imposes a tax on the sale of the following articles (including in each case parts or accessories of such articles sold on or in connection therewith, or with the sale thereof) by the manufacturer, producer, or importer thereof:

Badminton nets, rackets and racket frames (measuring 22 inches overall or more in length), racket string, shuttlecocks, and standards.

Billiard and pool tables (measuring 45 inches overall or more in length) and balls and cues for such tables.

Bowling balls and pins.

Clay pigeons and traps for throwing clay pigeons.

Cricket balls and bats.

Croquet balls and mallets.

Curling stones.

Deck tennis rings, nets and posts.

Fishing rods, creels, reels and artificial lures, baits and flies.

Golf bags (measuring 26 inches or more in length), balls and clubs (measuring 30 inches or more in length).

Lacrosse balls and sticks.

Polo balls and mallets.

Skis, ski poles, snowshoes, and snow toboggans and sleds (measuring more than 60 inches overall in length).

Squash balls, rackets and racket frames (measuring 22 inches overall or more in length), and racket string.

Table tennis tables, balls, nets and paddles.

Tennis balls, nets, rackets and racket frames (measuring 22 inches overall or more in length) and racket string.

(2) *Determination whether article taxed as sporting goods.* The tax attaches to the sale of any article specified in section 4161 and subparagraph (1) of this paragraph which is designed or constructed for use in playing or participating in the conventional game or sport to which the particular article is associated. However, the tax does not attach to the sale of articles in the nature of toys or novelties which simulate sporting goods of the type referred to and which are not designed or constructed for use as provided in the preceding sentence.

(b) *Rate of tax.* Tax is imposed on the sale of the articles enumerated in section 4161 and paragraph (a) (1) of this section at the rate of 10 percent of the price for which such articles are sold. For definition of the term "price", see section 4216 and the regulations thereunder contained in Subpart M of this part.

(c) *Liability for tax.* The tax imposed by section 4161 is payable by the manufacturer, producer, or importer making the sale.

§ 48.4161–2 Parts or accessories.

(a) *In general.* The tax attaches in respect of parts or accessories for articles specified in section 4161 and paragraph (a) (1) of § 48.4161–1 sold on or in connection therewith or with the sale thereof at the rate applicable to the sale of the basic articles. The tax attaches in such case whether or not the parts or accessories are billed separately. On the other hand, no tax attaches in respect of parts or accessories for articles specified in section 4161 and paragraph (a) (1) of § 48.4161–1 which are sold otherwise than on or in connection with such articles or with the sale thereof.

(b) *Essential equipment.* If taxable articles are sold by the manufacturer, producer, or importer thereof without parts or accessories which are considered equipment essential for the operation or appearance of such articles, the sale of such parts or accessories will be considered, in the absence of evidence to the contrary, to have been made in connection with the sale of the basic article even though they are shipped separately at the same time or on a different date.

§ 48.4161–3 Tax-free sales.

For provisions relating to tax-free sales of articles referred to in section 4161, see—

(a) Section 4221, relating to certain tax-free sales;

(b) Section 4222, relating to registration; and

(c) Section 4223, relating to special rules relating to further manufacture;

and the regulations thereunder contained in Subpart N of this part.

PHOTOGRAPHIC EQUIPMENT

§ 48.4171 Statutory provisions; imposition of tax.

SEC. 4171. *Imposition of tax.* There is hereby imposed upon the sale by the manufacturer, producer, or importer of the following articles (including in each case parts or accessories of such articles sold on or in connection therewith, or with the sale thereof) a tax equivalent to the specified percent of the price for which so sold:

Articles taxable at 10 percent—
- Cameras.
- Camera lenses.
- Unexposed photographic film in rolls (including motion picture film).

Articles taxable at 5 percent—
- Electric motion or still picture projectors of the household type.

[Sec. 4171 as originally enacted and in effect Jan. 1, 1959]

§ 48.4171–1 Imposition and rates of tax.

(a) *Imposition of tax.* Section 4171 imposes a tax on the sale of the following articles (including in each case parts or accessories of such articles sold on or in connection therewith, or with the sale thereof) by the manufacturer, producer, or importer thereof:

(1) Cameras;

(2) Camera lenses;

(3) Unexposed photographic film in rolls (including motion picture film); and

(4) Electric motion or still picture projectors of the household type.

See, however, section 4173 and § 48.4173–1 for exemption of the sale of certain cameras, lenses, and unexposed photographic film from the tax imposed by section 4171, and section 6416(b)(2)(Q) providing a credit or refund of tax paid on the sale of unexposed motion picture film which is used, or resold for use, in the making of newsreel motion picture film. For meaning of the terms "camera" and "lens", see § 48.4171–2.

(b) *Rates of tax.* Tax is imposed on the sale of the articles specified in section 4171 and paragraph (a) of this section at the rate indicated below:

	Percent
(1) Cameras	10
(2) Camera lenses	10
(3) Unexposed photographic film	10
(4) Electric motion or still picture projectors	5

The tax is computed by applying to the price for which the article is sold the applicable rate. For definition of the term "price", see section 4216 and the regulations thereunder contained in Subpart M of this part.

(c) *Liability for tax.* The tax imposed by section 4171 is payable by the manufacturer, producer, or importer making the sale.

§ 48.4171–2 Meaning of terms.

For purposes of the tax imposed by section 4171:

(a) *Camera.* The term "camera" includes the entire assembly which is used for, or is capable of use in, the taking of still or motion pictures.

(b) *Lens.* The term "lens" includes the glass and the frame or cell in which such glass is mounted.

§ 48.4171–3 Parts or accessories.

(a) *In general.* The tax attaches in respect of parts or accessories for articles specified in section 4171 and paragraph (a) of § 48.4171–1 sold on or in connection therewith or with the sale thereof at the rate applicable to the sale of the basic articles. The tax attaches in such case whether or not the parts or accessories are billed separately. On the other hand, no tax attaches in respect of parts or accessories for articles specified in section 4171 and paragraph (a) of § 48.4171–1 which are sold otherwise than on or in connection with such articles or with the sale thereof.

(b) *Essential equipment.* If taxable articles are sold by the manufacturer, producer, or importer thereof without parts or accessories which are considered equipment essential for the operation or appearance of such articles, the sale of such parts or accessories will be considered, in the absence of evidence to the contrary, to have been made in connection with the sale of the basic article even though they are shipped separately at the same time or on a different date.

(c) *Identification of parts or accessories.* For purposes of this section and § 48.4173–1, in the case of cameras and lenses, the term "parts or accessories" only includes articles that are incorporated in, or are intended for incorporation in, a taxable camera or a taxable lens so as to become an integral part thereof, and range finders which, although detachable from a taxable camera, cannot operate independently thereof.

§ 48.4172 Statutory provisions; definition of certain vendees as manufacturers.

SEC. 4172. *Definition of certain vendees as manufacturers.* Any person who acquires unexposed photographic film not subject to tax under this part and sells such unexposed film in form and dimensions subject to tax hereunder (or in connection with a sale cuts such film to form and dimensions subject to tax hereunder) shall for the purposes of section 4171 be considered the manufacturer of the film so sold by him.

[Sec. 4172 as originally enacted and in effect Jan. 1, 1959]

§ 48.4172–1 Status of persons who purchase nontaxable photographic film and convert it to taxable photographic film.

Section 4172 provides that any person who acquires unexposed photographic film, the sale of which was not subject to the tax imposed by section 4171 or was exempt from such tax under section 4173, and who—

(a) Sells such film in form and dimensions subject to the tax imposed by section 4171, or

(b) In connection with a sale, cuts such film to form and dimensions subject to the tax imposed by section 4171,

shall be considered the manufacturer of any such film so sold by him for purposes of the tax imposed by section 4171.

§ 48.4173 Statutory provisions; exemptions.

SEC. 4173. *Exemptions.* The tax imposed under this part shall not apply to—

(1) *Cameras.* X-ray cameras or cameras weighing more than four pounds exclusive of lens and accessories;

(2) *Lenses.* Still camera lenses having a focal length of more than one hundred and twenty millimeters, or motion picture camera lenses having a focal length of more than thirty millimeters;

(3) *Film.* X-ray film, unperforated microfilm, film more than one hundred and fifty feet in length, or film more than twenty-five feet in length and more than thirty millimeters in width.

[Sec. 4173 as originally enacted and in effect Jan. 1, 1959]

§ 48.4173–1 Exempt sales.

Section 4173 provides that sales of the following articles are exempt from the tax imposed by section 4171:

(a) X-ray cameras;

(b) Cameras weighing more than four pounds exclusive of lens and accessories (for meaning of term "parts or accessories", see § 48.4171–3);

(c) Still camera lenses having a focal length of more than 120 millimeters;

(d) Motion picture camera lenses having a focal length of more than thirty millimeters;

(e) X-ray film;

(f) Unperforated microfilm;

(g) Photographic film more than 150 feet in length; and

(h) Photographic film more than 25 feet in length and more than 30 millimeters in width.

§ 48.4173–2 Other tax-free sales.

For provisions relating to tax-free sales of articles referred to in section 4171, see—

(a) Section 4221, relating to certain tax-free sales;

(b) Section 4222, relating to registration; and

(c) Section 4223, relating to special rules relating to further manufacture;

and the regulations thereunder contained in Subpart N of this part.

FIREARMS

§ 48.4181 Statutory provisions; imposition of tax.

SEC. 4181. *Imposition of tax.* There is hereby imposed upon the sale by the manufacturer, producer, or importer of the following articles a tax equivalent to the specified percent of the price for which so sold:

Articles taxable at 10 percent—
- Pistols.
- Revolvers.

Articles taxable at 11 percent—
- Firearms (other than pistols and revolvers).
- Shells, and cartridges.

[Sec. 4181 as originally enacted and in effect Jan. 1, 1959]

§ 48.4181–1 Imposition and rates of tax.

(a) *Imposition of tax*—(1) *In general.* Section 4181 imposes a tax on the sale of the following articles by the manufacturer, producer, or importer thereof:

(i) Pistols;

(ii) Revolvers;

(iii) Firearms (other than pistols and revolvers); and

(iv) Shells and cartridges.

See, however, section 4182 and § 48.4182–1 which provides that the tax imposed by section 4181 shall not attach to the sale of firearms on which the tax imposed by section 5811 (relating to tax on the transfer of firearms) has been paid, or to the sale of any of the above-listed articles to the Defense Department. For meaning of the terms "pistols", "revolvers", "firearms", "shells", and "cartridges", see § 48.4181–2.

(2) *Parts or accessories.* No tax is imposed by section 4181 on the sale of parts or accessories of firearms, pistols, revolvers, shells, and cartridges when sold separately, or when sold with a complete firearm. Thus, no tax attaches to the sale of telescopic mounts, rubber recoil pads, rifle sights, and similar parts for firearms when sold separately, or when sold with complete firearms for use as spare parts or accessories. The tax does attach, however, to sales of complete firearms, pistols, revolvers, shells, and cartridges, or to sales of such articles which, although in a knockdown condition, are complete as to all component parts.

(b) *Rates of tax.* Tax is imposed on the sale of the articles specified in section 4181 and paragraph (a)(1) of this section at the rates indicated below:

	Percent
(1) Pistols	10
(2) Revolvers	10
(3) Firearms (other than pistols and revolvers)	11
(4) Shells and cartridges	11

The tax is computed by applying to the price for which the article is sold the applicable rate. For definition of the term "price", see section 4216 and the regulations thereunder contained in Subpart M of this part.

(c) *Liability for tax.* The tax imposed by section 4181 is payable by the manufacturer, producer, or importer making the sale.

§ 48.4181–2 Meaning of terms.

For purposes of the tax imposed by section 4181:

(a) *Pistols.* The term "pistols" means small projectile firearms which have a short one-hand stock or butt at an angle to the line of bore and a short barrel or barrels, and which are designed, made, and intended to be aimed and fired from one hand. The term does not include gadget devices, guns altered or converted to resemble pistols, or small portable guns erroneously referred to as pistols, as, for example, Nazi belt buckle pistols, glove pistols, or one-hand stock guns firing fixed shotgun or fixed rifle ammunition.

(b) *Revolvers.* The term "revolvers" means small projectile firearms of the pistol type, having a breech-loading chambered cylinder so arranged that the cocking of the hammer or movement of the trigger rotates it and brings the next cartridge in line with the barrel for firing.

(c) *Firearms.* The term "firearms" means any portable weapons, such as rifles, carbines, machine guns, shotguns, or fowling pieces, from which a shot, bullet, or other projectile may be discharged by an explosive.

(d) *Shells and cartridges.* The terms "shells" and "cartridges" include any combination of projectile, explosive, and container which is designed, assembled, and ready for use without further manufacture in firearms, including pistols and revolvers.

§ 48.4182 Statutory provisions; exemptions.

SEC. 4182. *Exemptions*—(a) *Machine guns and short barrelled firearms.* The tax imposed by section 4181 shall not apply to any firearm on which the tax provided by section 5811 has been paid.

(b) *Sales to Defense Department.* No firearms, pistols, revolvers, shells, and cartridges purchased with funds appropriated for the military department shall be subject to any tax imposed on the sale or transfer of such articles.

[Sec. 4182 as originally enacted and in effect Jan. 1, 1959]

§ 48.4182–1 Exempt sales.

(a) *Machine guns and short barrelled firearms.* Section 4182(a) provides that the tax imposed by section 4181 shall not attach to the sale of any firearm on which the tax imposed by section 5811 (relating to tax on the transfer of certain machine guns and short barrelled firearms) has been paid. Any manufacturer, producer, or importer claiming such an exemption from the tax imposed by section 4181 must maintain such records and be prepared to produce such evidence as will establish the right to the exemption.

(b) *Sales to Defense Department*—(1) *In general.* Section 4182(b) provides that the tax imposed by section 4181 shall not attach to the sale of firearms, pistols, revolvers, shells, or cartridges which are purchased with funds appropriated for the military department of the United States.

(2) *Military department defined.* For purposes of section 4182(b), the term "military department" means the Department of the Army, the Department of the Navy, and the Department of the Air Force. Included in the Department of the Navy are naval aviation and the Marine Corps, and the Coast Guard when operating as a service in the Navy pursuant to the provisions of section 3 of Title 14 of the United States Code.

(3) *Supporting evidence.* Any manufacturer, producer, or importer claiming an exemption from the tax imposed by section 4181 by reason of section 4182(b) must maintain such records and be prepared to produce such evidence as will establish the right to the exemption. Generally, clearly identified orders or contracts of a military department signed by an authorized officer of such military department will be sufficient to establish the right to the exemption. In the absence of such orders or contracts, a statement, signed by an authorized officer of a military department, that the prescribed articles were purchased with funds appropriated for that military department will constitute satisfactory evidence of the right to the exemption.

§ 48.4182–2 Other tax-free sales.

For provisions relating to tax-free sales of articles referred to in section 4181, see—

(a) Section 4221, relating to certain tax-free sales;

(b) Section 4222, relating to registration; and

(c) Section 4223, relating to special rules relating to further manufacture;

and the regulations thereunder contained in Subpart N of this part.

Subpart L—Business Machines, Pens, Mechanical Pencils and Lighters, and Matches

BUSINESS MACHINES

§ 48.4191 Statutory provisions; imposition of tax.

SEC. 4191. *Imposition of tax.* There is hereby imposed upon the sale by the manufacturer, producer, or importer of the following articles (including in each case parts or accessories of such articles sold on or in connection therewith, or with the sale thereof), a tax equivalent to 10 percent of the price for which so sold:

Adding machines.
Addressing machines.
Autographic registers.
Bank proof machines.
Billing machines.
Bookkeeping machines.
Calculating machines.
Card punch machines.
Cash registers.
Change making machines.
Check writing, signing, canceling, perforating, cutting, and dating machines and other check protector machine devices.
Computing machines.
Coin counters.
Dictographs.
Dictating machines.
Dictating machine record shaving machines.
Duplicating machines.
Embossing machines.
Envelope opening machines.
Erasing machines.
Folding machines.
Fanfold machines.
Fare registers and boxes.
Listing machines.
Line-a-time and similar machines.
Mailing machines.
Multigraph machines, typesetting machines and type justifying machines.
Numbering machines.
Portable paper fastening machines.
Payroll machines.
Pencil sharpeners.
Postal permit mailing machines.
Punch card machines.
Sorting machines.
Stencil cutting machines.
Shorthand writing machines.
Sealing machines.
Tabulating machines.
Ticket counting machines.
Ticket issuing machines.
Typewriters.
Transcribing machines.
Time recording devices.
Combinations of any of the foregoing.

[Sec. 4191 as originally enacted and in effect Jan. 1, 1959]

§ 48.4191–1 Imposition and rate of tax.

(a) *Imposition of tax.* Section 4191 imposes a tax on the sale of the following articles, or any combinations thereof (including in each case parts or accessories of such articles sold on or in connection therewith, or with the sale thereof), by the manufacturer, producer, or importer thereof:

Adding machines.
Addressing machines.
Autographic registers.
Bank proof machines.
Billing machines.
Bookkeeping machines.
Calculating machines.
Card punch machines.
Cash registers.
Change making machines.
Check writing, signing, canceling, perforating, cutting, and dating machines and other check protector machine devices.
Computing machines.
Coin counters.
Dictographs.
Dictating machines.
Dictating machine record shaving machines.
Duplicating machines.
Embossing machines.
Envelope opening machines.
Erasing machines.
Folding machines.
Fanfold machines.
Fare registers and boxes.
Listing machines.
Line-a-time and similar machines.
Mailing machines.
Multigraph machines, typesetting machines and type justifying machines.
Numbering machines.
Portable paper fastening machines.
Payroll machines.
Pencil sharpeners.
Postal permit mailing machines.
Punch card machines.
Sorting machines.
Stencil cutting machines.
Shorthand writing machines.
Sealing machines.
Tabulating machines.
Ticket counting machines.
Ticket issuing machines.
Typewriters.
Transcribing machines.
Time recording devices.

See, however, section 4192 and § 48.4192–1 for exemption of the sale of certain cash registers and stencil cutting machines from the tax imposed by section 4191.

(b) *Rate of tax.* Tax is imposed on the sale of the articles enumerated in section 4191 and paragraph (a) of this section at the rate of 10 percent of the price for which such articles are sold. For definition of the term "price" and for application of the tax to leases of articles, see sections 4216 and 4217, respectively, and the regulations thereunder contained in Subpart M of this part.

(c) *Liability for tax.* The tax imposed by section 4191 is payable by the manufacturer, producer, or importer making the sale.

§ 48.4191–2 Parts or accessories.

(a) *In general.* The tax attaches in respect of parts or accessories for articles specified in section 4191 and paragraph (a) of § 48.4191–1 sold on or in connection therewith or with the sale thereof at the rate applicable to the sale of the basic articles. The tax attaches in such case whether or not the parts or accessories are billed separately. On the other hand, no tax attaches in respect of parts or accessories for articles specified in section 4191 and paragraph (a) of § 48.4191–1 which are sold otherwise than on or in connection with such articles or with the sale thereof.

(b) *Essential equipment.* If taxable articles are sold by the manufacturer, producer, or importer thereof without parts or accessories which are considered equipment essential for the operation or appearance of such articles, the sale of such parts or accessories will be considered, in the absence of evidence to the contrary, to have been made in connection with the sale of the basic article even though they are shipped separately at the same time or on a different date.

§ 48.4192 Statutory provisions; exemptions.

SEC. 4192. *Exemptions.* No tax shall be imposed under section 4191 on the sale of cash registers of the type used in registering over-the-counter retail sales, or on the sale of stencil cutting machines of the type used in shipping departments in making cutout stencils for marking freight shipments.

[Sec. 4192 as amended and in effect Jan. 1, 1959]

§ 48.4192–1 Exempt sales.

Section 4192 provides that the tax imposed by section 4191 shall not attach to sales of—

(a) Cash registers of the type used in registering over-the-counter retail sales; and

(b) Stencil cutting machines of the type used in shipping departments in making cutout stencils for marking freight shipments.

§ 48.4192–2 Other tax-free sales.

For provisions relating to tax-free sales of articles referred to in section 4191, see—

(a) Section 4221, relating to certain tax-free sales;

(b) Section 4222, relating to registration; and

(c) Section 4223, relating to special rules relating to further manufacture;

and the regulations thereunder contained in Subpart N of this part.

PENS AND MECHANICAL PENCILS AND LIGHTERS

§ 48.4201 Statutory provisions; imposition of tax.

SEC. 4201. *Imposition of tax.* There is hereby imposed upon the sale by the manufacturer, producer, or importer of the following articles, a tax equal to 10 percent of the price for which so sold:

Mechanical lighters for cigarettes, cigars and pipes.

Mechanical pencils, fountain pens and ball point pens.

[Sec. 4201 as originally enacted and in effect Jan. 1, 1959]

§ 48.4201–1 Imposition and rate of tax.

(a) *Imposition of tax.* Section 4201 imposes a tax on the sale of the following articles by the manufacturer, producer, or importer thereof:

(1) Mechanical lighters for cigarettes, cigars, and pipes.

(2) Mechanical pencils.

(3) Fountain pens.

(4) Ball point pens.

For meaning of the terms "mechanical lighters for cigarettes, cigars, and pipes", "mechanical pencils", "fountain pens", and "ball point pens", see § 48.4201–2. For exemption from the tax imposed by section 4201 of sales of articles taxable under section 4001 (relating to the tax on jewelry and related items), see section 4224 and the regulations thereunder contained in Subpart N of this part.

(b) *Rate of tax.* Tax is imposed on the sale of the articles enumerated in section 4201 and paragraph (a) of this section at the rate of 10 percent of the price for which such articles are sold. For definition of the term "price", see section 4216 and the regulations thereunder contained in Subpart M of this part.

(c) *Liability for tax.* The tax imposed by section 4201 is payable by the manufacturer, producer, or importer making the sale.

§ 48.4201–2 Meaning of terms.

For purposes of the tax imposed by section 4201:

(a) *Mechanical lighters for cigarettes, cigars, and pipes.* The term "mechanical lighters for cigarettes, cigars, and pipes" includes any article designed to produce by means of any type of mechanical action a flame or other heat generating source for the lighting of cigarettes, cigars, and pipes.

(b) *Mechanical pencils.* The term "mechanical pencils" includes any writing instrument which contains a moveable marking or writing substance, the desired length of which is controlled by a propelling or repelling device.

(c) *Fountain pens.* The term "fountain pens" includes any writing instrument of the type equipped with a reservoir for holding ink or other writing fluid which feeds the point when the instrument is in use.

(d) *Ball point pens.* The term "ball point pens" includes any writing instrument of the type having a reservoir, cartridge, or magazine containing a writing compound or fluid that is fed to a ball type writing device when the instrument is in use.

§ 48.4201–3 Tax-free sales.

For provisions relating to tax-free sales of articles referred to in section 4201, see—

(a) Section 4221, relating to certain tax-free sales;

(b) Section 4222, relating to registration; and

(c) Section 4223, relating to special rules relating to further manufacture;

and the regulations thereunder contained in Subpart N of this part.

MATCHES

§ 48.4211 Statutory provisions; imposition of tax.

SEC. 4211. *Imposition of tax.* There is hereby imposed upon the sale by the manufacturer, producer, or importer of matches, a tax of 2 cents per 1,000 matches but not more than 10 percent of the price for which so sold, except that in the case of fancy wooden matches and wooden matches having a stained, dyed, or colored stick or stem, packed in boxes or in bulk, the tax shall be 5½ cents per 1,000 matches.

[Sec. 4211 as originally enacted and in effect Jan. 1, 1959]

§ 48.4211–1 Imposition and rates of tax.

(a) *Imposition of tax.* Section 4211 imposes a tax on the sale of matches by the manufacturer, producer, or importer thereof. For meaning of the term "matches", see § 48.4211–2.

(b) *Rates of tax.* Tax is imposed on the sale of matches at the following rates:

(1) Fancy wooden matches packed in boxes or in bulk.	5½ cents per 1,000 matches.
(2) Wooden matches having stained, dyed, or colored sticks or stems, and packed in boxes or in bulk.	5½ cents per 1,000 matches.
(3) All other matches..	2 cents per 1,000 matches but not more than 10 percent of the price for which sold.

For meaning of the term "fancy wooden matches", see § 48.4211–2, and for definition of the term "price", see section 4216 and the regulations thereunder contained in Subpart M of this part.

(c) *Liability for tax.* The tax imposed by section 4211 is payable by the manufacturer, producer, or importer making the sale.

§ 48.4211–2 Meaning of terms.

For purposes of the tax imposed by section 4211:

(a) *Matches.* The term "matches" means all types of matches, including waxed matches, parlor matches, safety matches, book matches, vestas, etc., regardless of whether such matches are sold in bulk, boxes, books, or in any other manner.

(b) *Fancy wooden matches.* The term "fancy wooden matches" includes all matches which have wooden stems and which, in addition to serving the purpose of ordinary matches, are colored or decorated, or are manufactured in such manner as to be more ornamental or more attractive than ordinary matches.

§ 48.4211–3 Tax-free sales.

For provisions relating to tax-free sales of articles referred to in section 4211, see—

(a) Section 4221, relating to certain tax-free sales;

(b) Section 4222, relating to registration; and

(c) Section 4223, relating to special rules relating to further manufacture;

and the regulations thereunder contained in Subpart N of this part.

[F.R. Doc. 59-9793; Filed, Nov. 18, 1959; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 942]

[Docket No. AO–103–A17]

MILK IN NEW ORLEANS, LA., MARKETING AREA

Recommended Decision and Opportunity To File Written Exceptions to Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the New Orleans, Louisiana marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., not later than the close of business the 20th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at New Orleans, Louisiana on May 14–15, 1959, pursuant to notice thereof which was issued May 4, 1959 (24 F.R. 3697).

The material issues on the record of the hearing relate to:

1. Revision of pool plant requirements as applied to supply plants.

2. Changes in the base-excess plan.

3. Clarification of the transfer provision affecting classification of milk moved to nonpool plants.

4. Modification of handler location adjustments on Class I and II milk.

5. Conforming changes to order language and revision of provisions for the purpose of clarification.

Proposals to revise the definition of producer, fluid milk products and to revise the classification of shrinkage were abandoned by proponents. These proposals were not otherwise supported or opposed. Therefore no action on these proposed revisions is taken in this decision.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. Pool plant requirements for supply plants should be revised.

Currently, a supply plant from which 50 percent or more of receipts of milk from dairy farmers is moved to a pool distributing plant during each of the months of September through December may remain a pool plant during the following January through August without meeting any monthly shipping requirement.

The cooperative associations proposed that supply plants qualify as pool plants by moving 50 percent or more of their receipts from dairy farmers during any four months of the five-month period of September through January. A handler proposed that the minimum 50 percent requirement be applied to September through November because these three months are consistently the months of each year when receipts of producer milk in relation to Class I utilization is the lowest. The proponent handler supported the proposal that qualification of a supply plant in either December or January as a pool plant, in addition to September through November, should automatically qualify a supply plant during the following months of January or February, through August.

The demand for Class I milk during the last half of the month of December decreases substantially because of the holiday vacation period of schools and universities. It appears that the pool plant provisions could be adjusted to accommodate better to the marketing situation which prevails during the holiday season. This can be achieved by requiring supply plants to meet present standards during the months of September through November and during either December or January. The present standard that requires a supply plant to move 50 percent or more of its receipts from dairy farmers to a pool distributing plant during 4 months of the year in order to establish its association as a necessary part of the market supply should be maintained. The amendment, herein provided, will avoid uneconomic shipments of milk yet maintain the present requirements that supply plants must ship at least 50 percent of their monthly receipts during 4 months of seasonally low production in order to have pool plant status during the following January or February through August period, without meeting the 50 percent shipment rule that is otherwise required.

2. The base-excess plan should be changed to provide a base-forming period of September through January and a base-operating period of March through July.

The proponent cooperatives proposed changing the present base-forming period of October through February to September through January. Such a change proponents stated will coincide with the base-forming period in the Federal orders for the Central Mississippi and Mississippi Gulf Coast marketing areas. Dairy farmers supplying these two markets are intermingled with producers supplying the New Orleans marketing area. Having the same months for the base-forming period in all three marketing areas will facilitate a normal movement of dairy farmers to the market needing milk for Class I utilization. The period September through January reflects the change in seasonal production that has occurred in recent years. This will encourage production during the months when Class I milk is most needed. Since it is impossible to make this provision effective by September 1, 1959, it is concluded that the present base-forming period of October 1959 through February 1960 should apply. The new base-forming period should become effective September 1, 1960.

The daily base for each producer is currently calculated by dividing the total pounds of milk received by handlers from each producer during the October to February period by the number of days in this base-forming period. The cooperative associations proposed, in addition to changing the months in the base-forming period, that the daily base for each producer be determined by dividing the total pounds of milk shipped by each producer during the period of September–January (a maximum of 153 days) by the number of days in the base-forming period or by the number of days from the first day milk is received from a producer during the base-forming period to the last day of January, inclusive but by not less than 120 days. However, in their brief proponents withdrew support for this proposal on the basis that the proposal would not provide incentive for milk production during September. The month of September of each year is usually the month when receipts of producer milk is in shortest supply in relation to Class I utilization.

A handler, as well as proponents, cited the need for an opportunity for new producers to enter the market so that a sufficient supply of producer milk may be available for the month of September. It is concluded that the needs of the market for a supply of producer milk can best be insured by providing that the months of March through July be used as the base-operating period. By omitting the months of February and August from the base plan opportunity is provided producers to make adjustments in their production programs prior to the beginning of the base-operating and base-forming periods. This will also

provide opportunity to new producers to enter the market during the month of August.

Amendments to the order, included herein, will appropriately revise the months in the base-forming and base-operating periods, as proposed by the cooperative associations representing a majority of producers in this marketing area.

3. The transfer provision providing for classification of milk moved from pool plants to nonpool plants should be modified.

Skim milk and butterfat transferred in the form of bulk milk to a nonpool plant located more than 275 miles from New Orleans is now classified as Class I milk. This mileage limitation includes four large manufacturing plants—two near New Orleans and two others over 200 miles from New Orleans. Under normal circumstances the facilities of these plants are adequate to process milk in excess of the market's needs for Class I utilization. However, a mechanical breakdown during the weekend in the flush season at one of the two manufacturing plants located near New Orleans can overtax the facilities of the remaining manufacturing plants within the 275 mileage limitation.

Between the 275 mile limitation and 350 miles seven additional manufacturing plants in the State of Mississippi have facilities available to manufacture milk. Handlers avail themselves of the nearest manufacturing facilities available to avoid excessive transportation costs. It is therefore concluded that skim milk and butterfat transferred in the form of bulk milk to a nonpool plant located more than 350 miles from New Orleans should be classified as Class I.

The transfer provision is further modified by providing that when a nonpool plant transfers milk or skim milk in bulk form to a pool plant in the marketing area, the amount so transferred which is not in excess of the amount received at such nonpool plant from pool plants during the month shall be, upon agreement between pool and nonpool plant operators, classified as though it had been transferred directly between the pool plants. This provision will aid in the orderly marketing of milk in this area and accommodate the storage facilities without such milk losing producer milk status. Minor changes in the transfer provision have been made to provide clarity and specificity with respect to the accounting of milk at nonpool plants.

4. Location differentials to handlers and producers should be revised as follows:

(a) The Terrebonne Parish Courthouse, Houma and the city hall, New Orleans, Louisiana should both be used as focal points in the marketing area for the demarcation of the differential price zones and for the announcement by the market administrator of class and uniform prices;

(b) For milk received from producers and utilized as Class I at pool plants located more than 50 miles but not more than 60 miles from the nearer of the basing points of Houma and New Orleans the Class I price should be reduced 13.5 cents per hundredweight and be reduced further 1.5 cents for each additional ten miles or fraction thereof beyond 60 miles; and

(c) For milk received from producers and classified as Class II at pool plants located more than 50 miles from the nearer of the two basing points or for milk received from producers at pool plants within 50 miles of the basing points and classified as Class II pursuant to § 942.41(b) (3), (4) or (5) the value of such Class II utilization should be reduced 13.5 cents per hundredweight.

Changes in location differentials to producers and handlers were proposed. One of these would amend § 942.53 *Location differentials to handlers.* Such amendment would make the zone price differentials applicable to that portion of pool plant receipts classified in Class II as well as to that classified in Class I. It would also increase the radial mileage of the zones and designate the Terrebonne Parish Courthouse in Houma, Louisiana, as another focal point for determining zone location. This proposal would not change the differential rates themselves. But the change in price from zone to zone would be as much as four cents instead of the more gradual two-cent change with the present uniform 10-mile zones.

A second proposed revision of Class I price location differentials would:

(a) Base the differentials on the Class I price within the inner zone (0–20), instead of the price in the 61–70 zone, and reduce that price for successive 10-mile zones from the inner zone at the rate of 1.5 cents per hundredweight.

(b) Increase the fixed Class I differentials by 28 cents and make the resulting Class I price applicable to plants in the marketing area (0–20 mile zone). Reduce this price 15 cents in the 61–70 mile zone. At present the price in the 61–70 mile zone is 28 cents lower than the price at plants located in the marketing area (0–20 mile zone).

The proposed designation of the Terrebonne Parish Courthouse in Houma, Louisiana, as another focal point in the marketing area for measuring location differential price zones should be adopted. This portion of the marketing area is some 50 miles from New Orleans. Plants located there, under present zoning provisions, are in the 51–60 mile zone with a differential of only 2 cents over the 61–70 mile zone price. The price at plants in the New Orleans sector of the marketing area is 28 cents over the 61–70 mile zone price. New Orleans handlers compete with local handlers in this southwest sector of the marketing area. Local distributors depend upon supply plants for 75–80 percent of their plant requirements. Station milk costs plants in this part of the area about the same as it costs plants in the New Orleans part of the area.

From the foregoing it is apparent that the price of milk received from producers and used in Class I by plants located in this part of the area, should be the same as such price paid by other plants in the marketing area. The proposed amendment so provides.

A proposal for consolidation of the ten-mile differential zones within a hundred mile radius into three price zones was recommended more as a simplification of the scheme of differential prices than as a matter of equity and accommodation to competitive relation. While the proposal would result, in a few instances, in a better adaptation of prices to actual competitive relations, it would in certain other instances result in some degree of maladjustment to competitive relations. The adoption of this proposal at this time is not justified.

The evidence with respect to other proposed changes in the provision for location differentials to handlers supports their adoption, in whole or in part. The proposal to shift the base for the differential structure from the 61–70 mile zone to the inner (0–20) zone should be adopted, but the inner zone may be extended from 20 miles to 50 miles without involving supply plants. The matter of the base zone for location differentials is mostly a matter of choice or preference. However, the significant increase in receipts of milk in farm bulk tanks at inner zone plants warrants, in this instance, the proposed change. Approximately one-third of the milk received at inner zone plants is direct from farms of producers. The increase during the past year in the number of farm bulk tank producers indicates a trend which, within another year will mean that more than half of all receipts at inner zone plants will be delivered directly from the farms of producers. Currently less than ten percent of the total market supply is received in cans at inner zone plants.

Under the circumstances, location adjustments should represent the cost of hauling milk from country points to inner zone plants. In this instance a rate of 13.5 cents per hundredweight for milk received at plants located more than 50 but not more than 60 miles from the nearer of the specified basing points reflects the cost of moving milk to inner zone plants in the New Orleans marketing area under the most efficient and economical conditions. Further, a rate of 1.5 cents for each ten mile zone beyond the 51–60 mile zone represents the cost of moving milk from zones farther out.

The readjustment in location prices should be accomplished without changing the level of the Class I price for the market as a whole. This may be done by lowering the Class I price effective in the inner zone enough to offset the results of raising prices in outer zones. The inner zone may be extended from 20 miles to 50 miles from central area pricing points without involving plants that are not distributing milk in the marketing area. If the price in this enlarged inner zone is reduced 10 cents and the present 61–70 mile zone price is increased 3 cents the result will be to maintain the total value of milk for the market unchanged. Moreover, the gap between prices in the inner area and prices at the 61–70 mile zone will be narrowed by 13 cents. For other zones the difference will be further affected by the reduction provided in the zone mileage rate.

To accomplish this, the Class I price differentials specified for the inner zone are increased 18 cents from the previous 61–70 mile zone level. A location adjustment of 13.5 cents is provided in the 50–60 mile zone, with a further reduction of 1.5 cents for each 10 mile zone beyond 60 miles. Blend and base prices to producers are computed at the basing points and are subject to location adjustments at the same rate as the Class I price.

Cooperative associations proposed that the plus Class I price differentials, applicable to inner zone plants and to plants in successive zones from the area to the 61–70 mile zone, be made applicable also to producer milk used in Class II. The price charged distributing plants located in the marketing area under the revised location adjustments herein recommended for such milk would be 13.5 cents higher than the price charged supply plants in the 50–60 mile and more distant zones.

The circumstances that prompted this proposal by the cooperative associations are the increasing availability of bulk tank milk and the delivery of this milk to city processing plants rather than to country receiving stations. This change in transportation methods affords the opportunity to handlers to have increasing quantities of milk delivered to city plants classified in Class II.

The producers who deliver such milk directly to inner zone plants will receive a blended price on all of their milk deliveries of 13.5 cents per hundredweight higher than producers who deliver to plants located in the 50–60 mile zone. On milk which is classified at inner zone plants as Class I, the handlers will be required to pay producers 13.5 cents per hundredweight more than for milk delivered by producers to plants in the 50–60 mile zone. With respect to Class I milk, therefore, it makes little difference to the pool whether a producer delivers his milk to an inner zone plant or to a country plant.

With respect to Class II milk, if there were no location differential, a handler would pay producers the same price for Class II milk irrespective of its point of delivery. If producers who deliver their milk to inner zone plants received the additional 13.5 cents on all of their milk (other than excess milk) and if handlers who received the milk at inner zone plants are not required to pay anything additional on Class II milk, the payment of the 13.5 cents to direct delivery producers on Class II milk would be taken out of the returns of all producers. This would reduce the level of the uniform price and it would be disadvantageous to producers who deliver milk to country plants.

There can be no doubt that the developments as described by producers, if carried far enough, could have deleterious effects upon returns to country plant shippers but more especially they could encourage the manufacture of Class II milk at uneconomical locations, particularly at inner zone plants.

It is, therefore, concluded that the Class II price should be increased 13.5 cents at the prescribed basing points in the marketing area. A location adjustment on Class II of 13.5 cents is provided to apply to milk received from producers at pool plants beyond the 50-mile zone and to all milk received from producers at pool plants in the 0–50 mile zone and classified as Class II pursuant to § 942.41(b) (3), (4), and (5). The increase in the Class II price, adjusted for location as herein prescribed, will maintain the approximate total cost to handlers for milk classified as Class II and used in their city plants that existed previous to the development of receipts of milk in bulk tanks direct from the farms of producers, when nearly all producer milk was received at country plants. Under these circumstances, handlers paid the cost of hauling milk for Class II use in their city plants in addition to the announced Class II price. The revision of location differentials to handlers and producers provides equitable price adjustments to meet the changed marketing conditions in this marketing area.

In conjunction with the findings with respect to location differentials to handlers for milk received from producers at pool plants and classified as Class I or Class II, conforming changes in the order provisions which determine class prices and location differentials to producers are necessary. One of these changes provides for the adjustment of the uniform excess milk price to conform to the differences provided in the value of Class II milk received at city plants in the marketing area and at country plants. This conforming change and others with respect to the computation of the value of producer milk and uniform prices have been made accordingly in the amendments included herein.

5. Several changes of order language should be made for the purposes of clarification and of improving order administration.

Problems of administration have arisen which indicate the need for clarification and amplification of certain provisions of the order. One of these is the provision (§ 942.80) dealing with the time and method of payments to producers. The present order provision provides that a handler shall pay to a cooperative association amounts due any producer-member for milk, if the producer has given the cooperative association authority to collect such payments, providing the cooperative association makes a written request for such payment. The association's request should also agree to indemnify the handler for any loss incurred because of improper claim. Handlers should also be required to pay cooperative associations for milk received from such cooperatives in their capacity as operators of pool plants. Therefore, it is further provided that a handler shall make payment, at the Class II price for the preceding month, to a cooperative association for milk received from the pool plant(s) of such cooperative association, on or before the 22d day of each month for milk received during the first 15 days of the month, and on or before the 12th day after the end of the month in which milk is received from the pool plant(s) of a cooperative association final payment at not less than the applicable class prices less amounts made by the 22d of the previous month. Such a provision will enable a cooperative association to carry out its essential functions authorized in the Agricultural Marketing Agreement Act of 1937, as amended.

Another change would require handlers to notify the market administrator in advance of the dumping of any skim milk to be classified as Class II. Such requirement will aid in the administration of the order and permit verification of such dumping of skim milk without unduly burdening handlers.

Also, § 942.22(b) with respect to disclosure of noncompliance should be expanded to include all handler obligations. The market administrator under this provision of the order, may at his discretion publicly disclose the name of any handler failing to make certain payments and reports by specified dates. In addition to the payments now cited in § 942.22(f) payments to producers (§ 942.80) and amounts due as a result of adjustment of accounts (§ 942.84) should be included and the names of handlers failing to make such payments be publicly disclosed in the same manner as now prescribed.

Proponent cooperative associations proposed additional reporting requirements on the part of handlers with respect to diversion of producer milk and other source milk. The portion of the proposal dealing with diversions was abandoned and therefore no action is taken in this decision. The proposal to require a handler to report to the market administrator on or before the first day his intention to receive other source milk in the form of fluid or skim milk and on or before the last day such product is received, his intention to discontinue such receipts, was not justified on the basis of this record and is therefore denied.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supply of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as,. and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the New Orleans, Louisiana, marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended.

1. Amend § 942.10 to read as follows:

§ 942.10 Pool plant.

Pool plant means:

(a) A distributing plant, other than that of a producer-handler or one described in § 942.61 or § 942.63(a), from which during the month:

(1) Disposition in the marketing area of fluid milk products on routes is 20 percent or more of receipts from dairy farmers and supply plants; and

(2) Total disposition of fluid milk products on routes is 50 percent or more of receipts from dairy farmers and supply plants;

(b) A supply plant from which during the month an amount equal to 50 percent or more of its receipts of milk from dairy farmers which is eligible for distribution in the marketing area under a Grade A label is moved to and received at a pool plant(s) described in paragraph (a) of this section; and

(c) Any supply plant that was a pool plant during each of the months of September through November immediately preceding shall continue to be a pool plant the following month of December unless written notice to the contrary is filed by the handler with the market administrator on or before the first day of such month; and any supply plant that was a pool plant pursuant to paragraph (b) of this section, during each of the months of September through November and also during either the month of December or the month of January immediately preceding shall continue to be a pool plant the following months of January or February through August, as the case may be, unless the operator notifies the market administrator in writing before the first day of any such month of its intention to withdraw such plant as a pool plant, in which case such plant shall thereafter be a nonpool plant except in any month it qualifies as a supply plant pursuant to paragraph (b) of this section.

2. Amend § 942.19 to read as follows:

§ 942.19 Base and excess milk.

(a) Base milk means milk received at pool plants from a producer during any of the months of the base-operating period of each year which is not in excess of such producer's daily average base computed pursuant to § 942.92 multiplied by the number of days in such month.

(b) Excess milk means milk received at pool plant(s) from a producer during any of the months of the base-operating period of each year in excess of such producer's base milk.

§ 942.22 [Amendment]

3. Amend § 942.22(f) to read as follows:

(f) Publicly disclose to handlers and producers, at his discretion, unless otherwise directed by the Secretary, the name of any handler who, after the date on which he is required to perform such acts, has not made reports pursuant to §§ 942.30 and 942.31, or payments pursuant to §§ 942.80, 942.82, 942.84, 942.85 and 942.86.

§ 942.30 [Amendment]

4. Amend § 942.30(a)(1) to read as follows:

(1) Producer milk, and for each month of the base-operating period, the total quantities of base and excess milk received; in lieu thereof, the operator of a nonpool distributing plant shall report aggregate receipts from dairy farmers qualified to become producers if such a plant were a pool plant;

§ 942.31 [Amendment]

5. Amend § 942.31(a)(2) to read as follows:

(2) The total pounds of milk received from such producers and for the base-operating period the total pounds of base and excess milk;

6. Amend § 942.31(b)(2)(i) to read as follows:

(i) The daily and total pounds of milk received during the month with separate totals for base and excess milk for the base-operating period, and the average butterfat test thereof; and

§ 942.41 [Amendment]

7. Amend § 942.41(b)(3) to read as follows:

(3) Disposed of as dumped skim milk, provided the market administrator is notified in advance and given opportunity to verify such dumping;

8. Amend § 942.43 to read as follows:

§ 942.43 Transfers.

Skim milk and butterfat transferred or diverted during the month as milk, skim milk or cream in bulk from a pool plant to:

(a) The pool plant of another handler shall be classified as Class I unless Class II utilization is indicated by the operators of both plants in their reports submitted pursuant to § 942.30 and:

(1) The receiving plant has utilization in such class of equipment amounts of skim milk and butterfat, respectively; and

(2) Such skim milk and butterfat shall be classified so as to allocate to producer milk the greatest possible total Class I utilization in the two plants.

(b) A plant operated by a producer-handler shall be Class I milk;

(c) A nonpool plant (except pursuant to paragraph (d) of this section) located more than 350 miles by the shortest highway distance from City Hall in New Orleans, Louisiana, as determined by the market administrator, shall be Class I milk unless claimed and transferred in the form of cream in bulk to such a nonpool plant which does not dispose of milk or cream for consumption in fluid form;

(d) A nonpool plant that is a pool plant (a fully regulated plant) under another order issued pursuant to the Act shall be classified pursuant to the utilization assigned pursuant to the classification and allocation procedure of the other Federal order: *Provided,* That in the event such nonpool plant receives skim milk and butterfat from two or more plants regulated by order(s) other than that under which it is regulated the amount classified in each class shall be a pro rata share of such receipts allocated to that class.

(e) A nonpool plant, exempt as specified in paragraphs (b), (c) and (d) of this section, shall be Class I milk unless:

(1) The transferring handler claims Class II use on his report for the month;

(2) The operator of the nonpool plant maintains books and records which are made available for examination upon request by the market administrator and which are adequate for verification of such Class II use; and

(3) The skim milk and butterfat, respectively, received at the nonpool plant during the month from a pool plant(s) (except the amounts pursuant to subparagraph (4) of this paragraph and the similar provision of such other order) and from a plant(s) at which milk is priced pursuant to another order issued pursuant to the Act does not exceed the skim milk and butterfat, respectively, resulting from the following computation:

(i) Determine the skim milk and butterfat, respectively, in Class II (as defined pursuant to § 942.41(b)(1)) at such nonpool plant during the month;

(ii) Add the actual shrinkage of skim milk and butterfat, respectively, in the total fluid receipts physically received at such nonpool plant but not to exceed 2 percent of such total receipts during the month;

(iii) Add the increases or subtract the decreases of skim milk and butterfat, respectively, in the inventory of fluid milk products at the end of the month at such nonpool plant as compared with that at the beginning of the month;

(iv) Add the skim milk and butterfat, respectively, in milk, skim milk, or

cream transferred in bulk from such nonpool plant to a plant at which milk is priced under another order issued pursuant to the Act which is allocated to other than Class I under the applicable order provisions at the transferee plant but excluding any such transfers that may be classified under such other order pursuant to provisions similar to subparagraph (4) of this paragraph;

(v) Add the skim milk and butterfat, respectively, in fluid bulk cream transferred from such nonpool plant to a second nonpool plant which is not in excess of Class II (pursuant to § 942.41(b)(1)) processed in such second nonpool plant plus the bulk fluid cream shipped therefrom to other nonpool plants which do not dispose of milk or cream for consumption in fluid form: *Provided,* That the second nonpool plant meets the conditions of subparagraph (2) of this paragraph; and

(vi) Subtract the skim milk and butterfat, respectively, received at such nonpool plant from any source(s) other than that which has been approved by a governmental agency as a source(s) of fluid Grade A milk products.

In the event that the remaining skim milk and butterfat, respectively, computed pursuant to subdivision (vi) of this subparagraph is less than the skim milk and butterfat, respectively, received at such nonpool plant from a pool plant(s) and from a plant(s) at which milk is priced under another order issued pursuant to the Act, the difference shall be assigned pro rata to each pool plant (in accordance with receipts of skim milk and butterfat, respectively, from all plants regulated pursuant to the Act) and shall be classified as Class I milk.

(4) If such nonpool plant transfers skim milk or butterfat as milk, skim, or cream in bulk to a pool plant, the amount so transferred which is not in excess of receipts during the month at such nonpool plant from pool plants shall be excluded from receipts within the meaning of subparagraph (3) of this paragraph, and shall be classified pursuant to paragraph (a) of this section as if moved directly to the second pool plant with Class II utilization indicated: *Provided,* That if the classification limitations provided in (a) of this section results in any skim milk or butterfat being classified as Class I from pool plants of two or more handlers such classification shall be shared pro rata between such handlers unless, at or before the time of reporting, signed statements by operators of such plants indicate agreement on a different sharing of such Class I classification.

§ 942.51 [Amendment]

9. Amend § 942.51(a) to read as follows:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month, plus $2.43 during the months of March through June and $2.68 in all other months, plus or minus a supply-demand adjustment calculated for each month as follows:

10. Amend § 942.51(b) to read as follows:

(b) Class II milk price. The Class II milk price shall be the price determined pursuant to § 942.50(c) plus 28.5 cents during the months February through August and plus 38.5 cents during all other months: *Provided,* That in no case shall such price exceed the basic formula price by more than 13.5 cents.

11. Amend § 942.53 to read as follows:

§ 942.53 Location differentials to handlers.

(a) For that milk which is received from producers at a pool plant more than 50 miles by the shortest toll-free highway distance, as determined by the market administrator, from the nearer of the City Hall in New Orleans or the Terrebonne Parish Courthouse in Houma, Louisiana, and utilized as Class I the price specified in § 942.51(a) shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk is received from producers:

	Rate per hundredweight (cents)
Zones measured from the nearer of the City Hall in New Orleans or the Terrebonne Parish Courthouse in Houma, Louisiana (miles):	
More than 50 but not more than 60	13.5
Each additional 10 miles or fraction thereof	1.5

(b) For (1) milk received from producers at a pool plant more than 50 miles, by the shortest toll-free highway distance, as determined by the market administrator, from the nearer of the city hall in New Orleans or the Terrebonne Parish Courthouse, Houma, Louisiana, and classified as Class II and (2) for milk received from producers at a pool plant 50 miles or less from the basing points in New Orleans or Houma and classified as Class II pursuant to § 942.41(b) (3), (4), and (5) shall be reduced by 13.5 cents.

(c) The market administrator shall determine and publicly announce the zone location of each plant of each handler according to the shortest toll-free highway distance between such plant and the city hall in New Orleans or the Terrebonne Parish Courthouse in Houma. The market administrator shall notify the handler on or before the first day of any month in which a change in a plant location zone will apply.

(d) For the purpose of this section, the skim milk and butterfat classified as Class I during each month shall be considered to have been first received from producers at such handler's plant located in the 0–50 mile zone, then that skim milk and butterfat which was received from producers at such handler's plant in series beginning with plants located in the zone nearest to New Orleans or Houma.

12. In the centerhead immediately preceding § 942.70, delete "at the 61–70 mile zone".

13. Amend § 942.71 to read as follows:

§ 942.71 Computation of the 4.0 percent value of all producer milk.

For each month, the market administrator shall compute the 4.0 percent value of all producer milk, as follows:

(a) Combine into one total the individual values of milk of all handlers computed pursuant to § 942.70 except those of handlers who failed to make payments required pursuant to § 942.80 through § 942.82 for the preceding month;

(b) Add, if the weighted average butterfat test of all producers milk represented in paragraph (a) of this section is less than 4.0 percent, or subtract if the weighted average butterfat test of such milk is more than 4.0 percent, an amount computed by multiplying the total pounds of butterfat represented by the difference of such average butterfat test from 4.0 percent by the butterfat differential provided in § 942.75 multiplied by 10;

(c) Add the aggregate of the values of allowable location adjustments to producers pursuant to § 942.76; and

(d) Add not less than one-half of the unobligated balance in the producer-settlement fund.

14. Amend § 942.72 to read as follows:

§ 942.72 Uniform price.

For each of the months of the base-forming period the uniform price per hundredweight for milk containing 4.0 percent butterfat received from producers at pool plants shall be computed as follows:

(a) Divide the amount computed pursuant to § 942.71 by the hundredweight of milk received from all producers;

(b) Subtract not less than 4 cents nor more than 5 cents.

15. Amend § 942.73 to read as follows:

§ 942.73 Uniform excess milk price.

For each of the months of the base-operating period the price for excess milk containing 4.0 percent butterfat shall be computed as follows:

(a) Multiply the hundredweight of excess milk not in excess of the total quantity of Class II milk represented by the values included in § 942.71(a) by the price for 4.0 percent Class II milk pursuant to § 942.51(b);

(b) Multiply the hundredweight of any excess milk not included in the computation described in paragraph (a) of this section by the price for 4.0 percent Class I utilization pursuant to § 942.51 (a); and

(c) Combine into one total the values computed pursuant to paragraphs (a) and (b) of this section, divide by the hundredweight of excess milk and round to the nearest cent.

16. Amend § 942.74 to read as follows:

§ 942.74 Uniform base milk price.

For each of the months of the base-operating period, the price for base milk containing 4.0 percent butterfat received from producers at pool plants shall be computed as follows:

(a) Multiply the total pounds of excess milk by the excess price for the month;

(b) Subtract the total value arrived at in paragraph (a) of this section from the total 4.0 percent value of all producer milk arrived at in § 942.71;

(c) Divide the resultant value by the total hundredweight of base milk; and

(d) Subtract not less than 4 cents nor more than 5 cents.

17. Amend § 942.76 to read as follows:

§ 942.76 Location differentials to producers.

In making payments for milk pursuant to paragraphs (a), (c), and (d) of § 942.80 a handler may deduct: (a) From the uniform price pursuant to § 942.72 or the uniform price for base milk pursuant to § 942.74 the rates specified in § 942.53(a) applicable to the location of the pool plant at which such milk was received; and (b) from the uniform excess milk price the rate specified in § 942.53(b) applicable to the location of the pool plant at which such milk was received.

18. Amend § 942.80 to read as follows:

§ 942.80 Time and method of payments to producers.

(a) Except as provided in paragraph (c) of this section, each handler shall make payment to each producer from whom milk is received during the month as follows:

(1) The butterfat differential pursuant to § 942.75;

(2) The location differential pursuant to § 942.76;

(3) Less payments made to such producer pursuant to subparagraph (1) of this paragraph;

(4) Less marketing services deductions made pursuant to § 942.85;

(5) Plus or minus adjustments for errors made in previous payments to such producer;

(6) Less deductions authorized in writing by such producer; and

(7) If by such date such handler has not received full payment from the market administrator pursuant to § 942.83 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator.

(b) Each handler shall furnish to the producer the following information:

(1) On or before the 25th day of the month, the pounds of milk received from the producer during the first 15 days of such month;

(2) On or before the 15th day of the following month (i) the pounds of milk received from the producer each day and the total for the month, together with the butterfat content of such milk, (ii) the pounds of base and excess milk received, (iii) the amount (or rate) and nature of deductions made from payments, and (iv) the amount and nature of payments due pursuant to § 942.84.

(c) Upon receipt of a written request from a cooperative association which the Secretary determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any claim on the part of the association, each handler:

(1) Shall pay to the cooperative association, in lieu of payments pursuant to paragraph (a) of this section, on or before the 2d day prior to the date on which payments are due individual producers, an amount equal to the gross sum due for all milk received from certified members, less amount owing by each member-producer to the handler for supplies purchased from him on prior written order or as evidenced by a delivery ticket signed by the producer; and

(2) Report to the cooperative association on or before the 25th day of the month, the pounds of milk received from each member of the cooperative association during the first 15 days of such month and on or before the 7th day of the following month to the cooperative association for its individual members the following information: (i) The pounds of milk received each day and the total for the month, together with the butterfat content of such milk, (ii) the pounds of base and excess milk received, (iii) the amount (or rate) and nature of deductions made from payments and (iv) the amount and nature of payments due pursuant to § 942.84.

The foregoing payment and submission of information shall be made with respect to milk of each producer whom the cooperative association certifies is a member, which is received on and after the first day of the month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the association.

(3) A copy of each such request, promise to reimburse, and a certified list of members shall be filed simultaneously with the market administrator by the association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, shall be made by written notice to the market administrator and shall be subject to his determination.

(d) Each handler shall make payment to a cooperative association for milk received from the pool plant(s) of such cooperative association:

(1) On or before the 22d day of each month an amount equal to not less than the Class II price for the preceding month multiplied by the hundredweight of milk received from such pool plant(s) during the first 15 days of the current month, and

(2) On or before the 12th day after the end of each month in which it was received at not less than the applicable class prices less amounts deducted pursuant to subparagraph (1) of this paragraph.

19. Amend § 942.90 to read as follows:

§ 942.90 Base-operating period.

The base-operating period shall be the months of March through July.

20. Amend § 942.91 to read as follows:

§ 942.91 Base-forming period.

The base-forming period for bases operative in 1960 shall be October 1959 through February 1960 and for bases operative in subsequent years shall be the months of September through January immediately preceding the base-operating period.

21. Amend § 942.92 to read as follows:

§ 942.92 Determination of daily base.

The daily base of each producer shall be calculated by the market administrator as follows: Divide the total pounds of milk received by all handlers of pool plants from such producer during the base-forming period by the number of days in such period.

§ 942.93 [Amendment]

22. Amend § 942.93(a) to read as follows:

(a) Subject to the provisions of paragraph (b) of this section, the market administrator shall assign a base as calculated pursuant to § 942.92 to each person for whose account producer milk was delivered to pool plants during the months of the base-forming period: *Provided*, That in the case of a pool plant which did not qualify as a pool plant during each month of the base-forming period, but which is a pool plant during any of the months of the base-operating period, bases shall be assigned to each person for whose account milk was delivered to such plant at the time such plant becomes a pool plant in the same manner as if such plant were a pool plant during the base-forming period.

23. Amend § 942.94 to read as follows:

§ 942.94 Announcement of established bases.

On or before March 1, of each year, the market administrator shall notify each producer, and the handler receiving milk from such producer, of the daily base established by such producer, except that for March 1960 the announcement of such bases shall be on or before March 31, 1960.

§ 942.63 [Amendment]

24. Amend § 942.63(b) to read as follows:

(b) Any supply plant which would be subject to the classification and pricing provision of another order issued pursuant to the Act unless such plant qualified as a pool plant pursuant to § 942.10(c).

Issued at Washington, D.C., this 16th day of November 1959.

ROY W. LENNARTSON,
Deputy Administrator.

[F.R. Doc. 59-9795; Filed, Nov. 18, 1959; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-FW-68]

FEDERAL AIRWAYS

Modification of VOR Federal Airway and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24

F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6077 and 601.6077 of the regulations of the Administrator, the substance of which is stated below.

VOR Federal airway No. 77 and its associated control areas presently extends from Cotulla, Tex., to Des Moines, Iowa. The Federal Aviation Agency is proposing to designate an east alternate to Victor 77 between Oklahoma City, Okla., and Ponca City, Okla., via the Oklahoma City VOR 021° and the Ponca City, Okla., VOR 163° radials. The main airway segment of Victor 77 between Oklahoma City and Ponca City is used primarily as a northbound departure route. The proposed east alternate to Victor 77 between these points would serve as an inbound route to Oklahoma City for aircraft arriving from the north.

In consideration of the foregoing, the Federal Aviation Agency proposes to designate an east alternate with associated control areas to VOR Federal airway No. 77 from Oklahoma City, Okla., to Ponca City, Okla., via the Oklahoma City VOR 021° and the Ponca City VOR 163° radials.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C. on November 12, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-9768; Filed, Nov. 18, 1959; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-WA-352]

FEDERAL AIRWAYS AND CONTROL AREAS

Modification of Federal Airway and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6452 and 601.6452 of the regulations of the Administrator, the substance of which is stated below.

VOR Federal airway No. 452 and its associated control areas presently extends from Raton, N. Mex., to Dalhart, Tex. The Federal Aviation Agency is proposing to extend Victor 452 westerly from Raton to Alamosa, Colo., and to realign Victor 452 between Raton and Dalhart. The extension of Victor 452 from Raton VOR to Alamosa VOR would provide a direct route for VHF equipped aircraft operating between these points. The realignment of Victor 452 from Raton VOR to Dalhart VOR via a VOR to be installed approximately February 15, 1960, near Clayton, N. Mex., at latitude 36°23'18" N., longitude 103°12'30" W., would provide more precise navigational guidance for air traffic operating between Raton and Dalhart.

In consideration of the foregoing, the Federal Aviation Agency proposes to designate VOR Federal airway No. 452 and its associated control areas from Alamosa, Colo., to Dalhart, Tex., via Raton, N. Mex., and Clayton, N. Mex.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on November 12, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-9766; Filed, Nov. 18, 1959; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 59-KC-48]

CONTROL AREAS

Designation of Control Area Extension

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency is considering a Proposal by the United States Air Force to designate a control area extension within a 40-mile radius of K. I. Sawyer Air Force Base, Marquette, Mich. This control area extension would provide protection for instrument flight operations being conducted by jet aircraft arriving K. I. Sawyer AFB, and departing on active air defense missions.

In consideration of the foregoing, the Federal Aviation Agency proposes to designate the Marquette, Mich., control area extension within a 40-mile radius of K. I. Sawyer AFB, Marquette, Mich.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Fed-

eral Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on November 12, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-9767; Filed, Nov. 18, 1959; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 13264; FCC 59-1148]

TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS

New Bedford, Mass.

1. In our Memorandum Opinion and Order (FCC 56-982) issued October 11, 1956, Docket No. 11387, the Commission assigned Channel 6 to New Bedford, Massachusetts. In arriving at this decision, we were aware of the existence of a land area—on Martha's Vineyard—in which a transmitter could be so located as to meet the minimum co-channel and adjacent-channel separations provided for in the rules, while providing the requisite principal city signal to New Bedford.

2. On May 14, 1958, four mutually exclusive applications for a television station on Channel 6 assigned to New Bedford were designated for comparative hearing (Docket Nos. 12432-12435). Subsequently the proceedings in those dockets were postponed (see Orders, Docket 12432, FCC 59M-531 and FCC 59-593), owing to difficulties experienced by the parties in obtaining acceptable transmitter sites. It now appears that, because of objections posed in the interests of national defense, there is no prospect of locating a Channel 6 transmitter within the only area in which it would comply with the mileage separation requirements of § 3.610 of the rules. In these circumstances, no useful purpose would be served by continuing the present assignment of Channel 6 to New Bedford in view of the obstacles to its use in the manner contemplated when the assignment was made. We, therefore, propose herein to delete this assignment.

3. In doing so, we recognize that it may be possible in the future to utilize Channel 6 in the same general area to serve either New Bedford, or Providence, or both, as well as the residents of nearby cities and surrounding areas. This, however, would require the location of a Channel 6 transmitter at a site involving substandard separations to co-channel and adjacent-channel stations. This possibility is being studied. If the Commission is able to find solutions to the substantive and procedural problems arising out of such an assignment, it would then be possible to initiate fresh proceedings looking toward such action. Since additional time is needed to resolve the problems posed by the possible Channel 6 assignment in the general area at less than standard spacings, the only action which it is possible and appropriate to take at this stage is to delete the assignment to New Bedford, as we propose herein. This will open the way to such further steps as it may be appropriate to take in the future looking toward other potential uses for Channel 6 in the general area.

4. Authority for the adoption of the amendment proposed herein is contained in sections 4 (i), (j), 303 (f), (h), and (r), and 307 (b) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein, may file with the Commission on or before November 30, 1959, a written statement or brief setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission, or (2) good cause for the filing of such additional comments is established.

6. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: November 12, 1959.

Released: November 16, 1959.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-9788; Filed, Nov. 18, 1959; 8:48 a.m.]

[47 CFR Part 3]

[Docket No. 13194]

TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS

Corpus Christi, Tex.

1. The Commission has before it for consideration a request filed in this proceeding on November 12, 1959, by Brazos Broadcasting Company, seeking an extension of the time for filing reply comments herein from November 10 until December 9, 1959 on the ground that additional time is needed in order that they might study and analyze the comments and be prepared to file more meaningful reply comments in this docket.

2. It appears that the request sets forth good cause for some extension of time under the circumstances, but not for the full amount of additional time requested. It appears that an extension of time of 14 days for filing reply comments is adequate and in the public interest.

3. Accordingly, the request is granted in part: *And it is ordered*, This 13th day of November 1959, that the time for filing reply comments herein is extended to and including November 24, 1959.

Adopted: November 13, 1959.

Released: November 13, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-9789; Filed, Nov. 18, 1959; 8:48 a.m.]

[1] Dissenting statement of Commissioner Bartley filed as part of the original document.

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

[Revision 1]

SMALL BUSINESS SIZE STANDARDS

Notice of Hearing on Applicability of Definition of Small Business for Government Procurement to Sub-conractors

Notice is hereby given that the Administrator of the Small Business Administration proposes to hold a hearing to determine whether the definition of small business for the purpose of Government procurement as presently applied to Government prime contractors shall also be applied to sub-contractors.

The hearing will take place December 10, 1959 at 10:00 a.m., e.s.t., in Room 442, 811 Vermont Avenue NW., Washington 25, D.C.

Interested persons may file with the Administrator on or before December 8, 1959, written statements of facts, opinions or arguments concerning the applicability of the small business definition to sub-contractors. Those persons who wish to make oral statements should notify the Administrator in writing setting forth the name and title (if any) of the person who will appear and whom they represent.

All correspondence on this matter shall be addressed to:

Administrator,
Small Business Administration,
Washington 25, D.C.

Dated: November 12, 1959.

WENDELL B. BARNES,
Administrator.

[F.R. Doc. 59-9772; Filed, Nov. 18, 1959; 8:46 a.m.]

NOTICES

DEPARTMENT OF STATE

[Public Notice 167]

CERTAIN FOREIGN PASSPORTS

Validity

Under the provisions of section 212 (a) (26) of the Immigration and Nationality Act, a nonimmigrant alien who makes application for a visa or for admission into the United States is required to be in possession of a passport which is valid for a minimum period of six months from the date of expiration of the initial period of his admission into the United States or his contemplated initial period of stay authorizing him to return to the country from which he came or to proceed to and enter some other country during such period. By reason of the foregoing requirement, certain foreign governments have entered into agreements with the Government of the United States whereby their passports are recognized as valid for the return of the bearer to the country of the foreign-issuing authority for a period of six months beyond the expiration date specified in the passport. These agreements have the effect of extending the validity period of the foreign passport an additional six months notwithstanding the expiration date indicated in the passport. Notice is hereby given that the following foreign governments have concluded such an agreement with the Government of the United States:

Austria (Reisepass only), Bolivia, Brazil, Canada, Ceylon, Chile, Colombia, Cuba, Dominican Republic, Ethiopia, Germany, (Reisepass only), Greece (issued in Greece only), Guatemala, Honduras, Iceland, India, Ireland, Israel, Mexico, Monaco, The Netherlands, Pakistan, Peru, Portugal, Spain, Switzerland, United Kingdom, and Venezuela.

This notice supersedes Public Notice 157 of June 11, 1958 (23 F.R. 4651).

HARRIS H. HUSTON,
Acting Administrator, Bureau of Security and Consular Affairs.

NOVEMBER 6, 1959.

[F.R. Doc. 59-9773; Filed, Nov. 18, 1959; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification 544]

CALIFORNIA

Small Tract Opening; Amendment

NOVEMBER 10, 1959.

In Federal Register Document 5-9171, appearing on pages 8853-8859 of the issue for October 30, 1959, the following changes should be made:

In the "Description of Tracts" column of paragraph 2, tract number 14 should read W½W½SW¼NE¼SE¼; number 18 should read NW¼NE¼SE¼SE¼; and number 26 should read SW¼NE¼ SE¼SE¼.

R. G. SPORLEDER,
Officer-in-Charge, Northern Field Group.

[F.R. Doc. 59-9770; Filed, Nov. 18, 1959; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

SOUTH DAKOTA

Designation of Area for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a-2(a)), as amended, it has been determined that in Ziebach County, South Dakota, a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named county after June 30, 1960, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 16th day of November 1959.

TRUE D. MORSE,
Acting Secretary.

[F.R. Doc. 59-9800; Filed, Nov. 18, 1959; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

POSITION SCHEDULE SURETY BOND

Invitation to Bid

Notice is hereby given to all companies holding certificates of authority from the Secretary of the Treasury as acceptable sureties on Federal bonds, that the Office of the Secretary, Department of Commerce, will receive sealed bids for a position schedule bond covering approximately 68 positions, most of which are to be bonded in the penalty amount of $5,000.00. The effective date of the bond will be January 1, 1960 and the term will be two years.

Copies of the invitation to bid and the schedule of positions to be bonded may be obtained by phoning or writing to the Office of Administrative Operations, Procurement Branch, Room 6313 Commerce Building, Washington 25, D.C., Phone St. 3-9200, Extension 4463, at which address bids will be opened at 2 p.m., e.s.t., December 7, 1959.

WILLIAM M. MARTIN,
Director, Office of Administrative Operations.

[F.R. Doc. 59-9764; Filed, Nov. 18, 1959; 8:45 a.m.]

FARM CREDIT ADMINISTRATION

[F.C.A. Order 681]

ASSISTANT TO GOVERNOR, ADMINISTRATIVE ASSISTANT, CLERK-STENOGRAPHER, AND CLERK

Authorization To Authenticate Documents, Certify Official Records, and Affix Seal

J. M. Selby, Assistant to the Governor, Zelina A. Ahern, Administrative Assistant, Mildred R. Ireland, Clerk-Stenographer, and Laura R. Miller, Clerk, severally and not jointly, are authorized and empowered:

(a) To execute and issue under the seal of the Farm Credit Administration, statements (1) authenticating copies of, or excerpts from, official records and files of the Farm Credit Administration; (2) certifying, on the basis of the records of the Farm Credit Administration, the effective periods of regulations, orders, instructions, and regulatory announcements; and (3) certifying, on the basis of the records of the Farm Credit Administration, the appointment, qualification, and continuance in office of any officer or employee of the Farm Credit Administration, or any conservator or receiver acting under the supervision or direction of the Farm Credit Administration.

(b) To sign official documents and to affix the seal of the Farm Credit Administration thereon for the purpose of attesting the signatures of officials of the Farm Credit Administration.

The foregoing revokes Farm Credit Administration Order No. 671, dated November 27, 1957, 22 F.R. 9735.

HAROLD T. MASON,
Acting Governor.

[F.R. Doc. 59-9781; Filed, Nov. 18, 1959; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 13086-13088; FCC 59M-1519]

BEACON BROADCASTING SYSTEM, INC., ET AL.

Order Continuing Hearing

In re applications of Beacon Broadcasting System, Inc., Grafton-Cedarburg, Wisconsin, Docket No. 13086, File No. BP-10518; American Broadcasting Stations, Inc. (KWMT), Fort Dodge, Iowa, Docket No. 13087, File No. BP-12201; Suburban Broadcasting Co., Inc., Jackson, Wisconsin, Docket No. 13088, File No. BP-12802; for construction permits for standard broadcast stations.

It is ordered, This 12th day of November 1959 on the Hearing Examiner's own motion that hearing in the above-entitled proceeding presently scheduled for December 9, 1959, is continued to December 16, 1959, commencing at 10:00

a.m. in the offices of the Commission, Washington, D.C.

Released: November 13, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-9782; Filed, Nov. 18, 1959; 8:47 a.m.]

[Docket Nos. 12710, 12748; FCC 59-1151]

COMMODITY NEWS SERVICES, INC., ET AL.

Order Assigning Matter for Public Hearing

In the matter of Commodity News Services, Inc., Complainant, v. The Western Union Telegraph Company, Defendant, Docket No. 12710; and in the matter of The Board of Trade of the City of Chicago, Complainant, v. The Western Union Telegraph Company, Defendant, Docket No. 12748.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 12th day of November 1959;

The Commission having under consideration:

(1) The above-entitled complaints, filed on December 16, 1958, in Docket No. 12710 and on January 26, 1959, in Docket No. 12748, requesting damages from defendant for alleged unlawful charges during the respective one-year periods prior to the filing of the complaints;

(2) Defendant's answers thereto filed on January 26, 1959, in Docket No. 12710 and on March 6, 1959, in Docket No. 12748; and

(3) The pages of The Western Union Telegraph Company's Domestic Leased Facility Service Tariff F.C.C. No. 237 which were in effect during the respective periods covered by the complaints;

It appearing that during the periods involved herein complainants leased from defendant facilities, the rates and regulations for which were contained in the above-described tariff pages; that complainants alleged that defendant has unlawfully collected from them charges for such facilities in violation of said tariff or, alternatively, in violation of sections 201 and 202 of the Communications Act of 1934 by imposing a separate loop charge per station even though in many instances there were several stations in the same premises which either were served by one loop or could have been so served; that complainant in Docket No. 12710 requests damages in the amount of $864.00 plus interest and reasonable attorneys' fees and complainant in Docket No. 12748 requests damages in the amount of $3,420.00; and that defendant denies liability and requests that the complaints be dismissed;

It further appearing that issues are presented herein which should be investigated and determined by means of a public hearing;

It further appearing that substantially the same issues are presented in both Dockets herein and that the consolidation thereof for hearing and decision will conduce to the orderly dispatch of the Commission's business and to the ends of justice;

It is ordered, That pursuant to sections 206 through 209 of the Communications Act of 1934 a public hearing on the issues presented by the above-described complaints and answers shall be held at a time and place to be hereinafter designated;

It is further ordered, That defendant's request for dismissal of the complaints is denied without prejudice;

It is further ordered, That a copy of this order shall be served upon the complainants and defendant herein.

Released: November 16, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-9783; Filed, Nov. 18, 1959; 8:47 a.m.]

[Docket No. 13179; FCC 59M-1514]

MARTIN KARIG

Order Continuing Hearing

In re application of Martin Karig, Johnstown, New York, Docket No. 13179, File No. BP-11926; for construction permit.

Upon the Hearing Examiner's own motion: *It is ordered,* This 12th day of November 1959, that hearing herein, which is presently scheduled to commence on December 16, 1959, be, and the same is hereby, continued without date.

Released: November 13, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-9784; Filed, Nov. 18, 1959; 8:47 a.m.]

[Docket Nos. 13210-13212; FCC 59M-1513]

FRANK A. TAYLOR ET AL.

Order Continuing Hearing

In re applications of Frank A. Taylor, Haines City, Florida, Docket No. 13210, File No. BP-11884; Zephyr Broadcasting Corp., Zephyrhills, Florida, Docket No. 13211, File No. BP-12291; Myron A. Reck (WTRR), Sanford, Florida, Docket No. 13212, File No. BP-12900; for construction permits.

Upon the Hearing Examiner's own motion: *It is ordered,* This 12th day of November 1959, that hearing herein, which is presently scheduled to commence on December 21, 1959, be, and the same is hereby, continued without date.

Released: November 13, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-9785; Filed, Nov. 18, 1959; 8:47 a.m.]

[Docket No. 13265; FCC 59-1152]

EARL A. WILLIAMS

Order Designating Application for Hearing on Stated Issues

In the matter of application of Earl A. Williams, Docket No. 13265, File No. 2731-C2-P-59, Call Sign KEC929; for construction permit to establish a new one-way signaling common carrier station in the Domestic Public Land Mobile Radio Service in Syracuse, New York.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 12th day of November 1959;

It appearing that, on September 9, 1959, the Commission granted without hearing the above-captioned application of Earl A. Williams (hereinafter called Applicant) to construct a new one-way signaling common carrier station in the Domestic Public Land Mobile Radio Service in Syracuse, New York, and Public Notice of this action was issued on September 14, 1959, (Report No. 493, Mimeo No. 78165); and

It further appearing that, on October 14, 1959, General Communications, Inc., (hereinafter called the Protestant) licensee of similar facilities at Syracuse (station KEC516), filed, pursuant to section 309(c) of the Communications Act of 1934, as amended, a timely Protest with respect to the grant of the captioned application; and

It further appearing that the Protestant has alleged that Applicant's proposed facility will be in direct competition with that of the Protestant and that Protestant, therefore, is a party in interest within the meaning of section 309(c) of the Act; and

It further appearing that, the Protestant has submitted facts in his protest which would tend to show, if established at a hearing, that the grant of the above-captioned application would not be in the public interest, convenience and necessity; and

It further appearing, that, Applicant has filed an Opposition to the Protest later than the time allowed by §§ 1.18(d) and 1.193(c) of the Commission's rules, and has filed a motion to accept late filing in connection therewith; and

It further appearing that, said motion does not allege good cause for accepting late filing of the opposition; and that such opposition has not, therefore, been given consideration; and

It further appearing that, the public need for the type of service Applicant proposes to establish is a matter to be established at an evidentiary hearing and we are unable to make any affirmative finding, on the basis of the record now before us, to justify the continuation of Applicant's grant pending disposition of this case; and

It further appearing that, it is desirable and appropriate to adopt, with revision, issues numbered 1, 2 and 4, as set out in the Protest, and to place the burden of proof thereon on the Applicant; that it is desirable and appropriate not to adopt Protestant's issue 3 as our

own, and to leave the burden of proof thereon with Protestant; that it is desirable and appropriate to evolve various issues corollary to the foregoing issues, as to which the burden of proof should be upon the specific party having knowledge and control of the subject matter;

It is ordered, That, the motion to accept late filing of the opposition to the protest is denied; the protest is allowed and the matter is designated for hearing upon the following issues:

(a) To determine the nature and extent of service rendered by Protestant in Syracuse, including the rates, charges, practices, classifications, regulations, and facilities pertaining thereto;

(b) To determine the nature and extent of service proposed by Applicant in Syracuse, including the rates, charges, practices, classifications, regulations and facilities pertaining thereto;

(c) To determine the area and population presently covered by the facilities authorized to Protestant in Syracuse;

(d) To determine the area and population proposed to be covered by Applicant's station in Syracuse;

(e) To determine the need for the proposed additional service in the area served by Protestant, and the nature and extent of any benefit to the public which would accrue as a result of Applicant's proposed service;

(f) To determine whether any disadvantage to the public would accrue as a result of Applicant's proposed service; and

(g) To determine in the light of the evidence adduced on the foregoing issues whether the public interest, convenience and necessity would be served by a grant of the above-captioned application.

It is further ordered, That, the effective date of the Commission's action of September 9, 1959, granting the above-captioned application, is postponed pending a final decision by the Commission with respect to the evidentiary hearing herein provided; and

It is further ordered, That, the hearing herein be held at the Commission's offices in Washington, D.C., on a date, and before an Examiner, to be announced in a subsequent order; and

It is further ordered, That, the burden of proof on issues (b), (d), (e) and (g) is placed on the applicant, and the burden of proof on issues (a), (c) and (f) is placed on the protestant; and

It is further ordered, That the protestant is made a party to the proceeding herein; and

It is further ordered, That, the parties desiring to participate herein shall file their appearances on or before the time specified in § 1.140 of the Commission's rules.

Released: November 16, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-9786; Filed, Nov. 18, 1959; 8:48 a.m.]

[Docket Nos. 13262, 13263; FCC 59-1145]

JAMES J. WILLIAMS AND CHARLES E. SPRINGER

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of James J. Williams, Williamsburg, Virginia, requests: 1450kc, 250w, U, Docket No. 13262, File No. BP-11148; Charles E. Springer, Highland Springs, Virginia, requests: 1450kc, 250w, U, Docket No. 13263, File No. BP-13122; for standard broadcast construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 12th day of November 1959;

The Commission having under consideration the above-captioned and described applications;

It appearing that, except as indicated by the issues specified below, each of the applicants is legally, technically, financially, and otherwise qualified to construct and operate its instant proposal; and

It further appearing that, pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated September 22, 1959, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the instant applicants filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant and requiring an evidentiary hearing on the particular issues as hereinafter specified; and

It further appearing that, after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

It is ordered, That, pusuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the operation of each of the instant proposals, and the availability of other primary service to such areas and populations.

2. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

3. To determine whether the instant proposal of James J. Williams would involve objectionable interference with the authorized operation on 1460kc of Station WLPM, Suffolk, Virginia, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether the interference received from any of the other proposals herein and any existing stations would affect more than ten percent of the population within the normally protected primary service area of any one of the instant proposals in contravention of § 3.28(c)(3) of the Commission rules and, if so, whether circumstances exist which would warrant a waiver of said Section.

5. To determine whether the instant proposal of James J. Williams would provide the coverage of the city sought to be served, as required by § 3.188(a)(1) and (b)(1) of the Commission rules.

6. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would better provide a fair, efficient and equitable distribution of radio service.

7. To determine, in the light of the evidence adduced, pursuant to the foregoing issues which, if either of the instant applications should be granted.

It is further ordered, That, Suffolk Broadcasting Corporation, licensee of Station WLPM, Suffolk, Virginia, is made a party to the proceeding.

It is further ordered, That, in the event of a grant of the application of James J. Williams, the construction permit shall contain a condition that program tests will not be authorized until Station WLPM, Suffolk, Virginia, is authorized program tests on a frequency other than 1450 kilocycles; and a license to cover construction permit will not be issued, until Station WLPM is licensed on a frequency other than 1450 kilocycles.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue:

To determine whether the funds available to the applicant will give reasonable

assurance that the proposals set forth in the application will be effectuated.

Released: November 16, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-9787; Filed, Nov. 18, 1959; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-16504, etc.]

CITY OF RED BUD, ILL., ET AL.

Order Granting Motion for Severance of Proceeding

NOVEMBER 2, 1959.

In the matters of City of Red Bud, Illinois, Docket No. G-16504; MidSouth Gas Company, Docket No. G-17567; Natural Gas Improvement District No. 2 of Ashley County, Arkansas, Docket No. G-17942; Illinois Power Company, Docket No. G-17984; Laclede Gas Company, Complainant v. Mississippi River Fuel Corporation, Defendant, Docket No. G-17832; St. Charles Gas Corporation, Docket No. G-18405.

The above consolidated proceedings (Docket No. G-16504, et al.) came on for hearing on June 30, 1959, and such hearing was concluded, with intermittent recesses, on October 14, 1959. The proceedings involve applications filed under sections 5(a) and 7(a) of the Natural Gas Act (Act).

On August 27, 1959, Natural Gas Improvement District No. 2 of Ashley County, Arkansas (District) filed a motion for severance of the proceedings in Docket No. G-17942 on its application, filed under section 7(a) of the Act from the other consolidated proceedings. District states in its motion, that the sale of gas to it by Mississippi "would have no effect on Mississippi's ability to serve the other parties seeking gas in the consolidated proceeding." At the conclusion of the hearing in the consolidated proceedings counsel for Mississippi stated that it had no objection to serving the District, and concurred in the motion for severance filed by the District. No party to the proceedings has filed an answer in opposition to the motion.

On October 19, 1959, the presiding examiner certified the aforesaid motion for severance to this Commission.

At the time these matters were set for hearing, it could not be determined whether, or to what extent the separate disposition of the application filed in Docket No. G-17942 might have on the issues raised by the other applications. However, in the light of the evidence of record it is now apparent that the application filed in Docket No. G-17942 may now be disposed of without in any way affecting the ultimate determination of the other proceedings and it is appropriate to grant said motions.

The Commission finds: Good cause exists for the granting of the motion to sever the proceeding in Docket No. G-17942 from the other consolidated proceedings for separate consideration and disposition by the Examiner.

The Commission orders: The motion for severance of the proceeding in Docket No. G-17942 from the other proceedings consolidated therewith for the purpose of decision and order is hereby granted.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-9775; Filed, Nov. 18, 1959; 8:46 a.m.]

[Docket No. G-20059 etc.]

SHELL OIL CO. ET AL.

Order for Hearing and Suspending Proposed Changes in Rates [1]

NOVEMBER 6, 1959.

In the matters of Shell Oil Company, Docket No. G-20059; Rio Bravo Oil Co., Docket No. G-20060; L. W. Callender, Docket No. G-20061; Sunray Mid-Continent Oil Co., Docket No. G-20062; Jack Properties, Inc., Docket No. G-20063; M. L. Mayfield (Operator), et al., Docket No. G-20064; Sun Oil Co., Docket No. G-20065; Hiawatha Oil and Gas Co., Docket No. G-20066; Ada Oil Co. (Operator), et al., Docket No. G-20067; Ridgway Management, Inc., Docket No. G-20068; McAlester Fuel Co. (Operator), et al., Docket No. G-20069; James A. Wood, Trustee (Operator), et al., Docket No. G-20070; H. L. Hunt, et al., Docket No. G-20071.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

[1] This order does not provide for the consolidation for hearing or disposition of the separately docketed matters covered herein, nor should it be so construed.

Docket Nos.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Notice of change dated—	Date tendered	Effective date [2] unless suspended	Cents per Mcf: Rate suspended until—	Cents per Mcf: Rate in effect	Proposed increased rate	Psia
G-20059	Shell Oil Co	126	3	Gas Gathering Corp. (Happytown Field, St. Martin Parish, La.).	10-13-59	10-15-59	11-15-59	4-15-60	15.0	21.05	15.025
G-20060	Rio Bravo Oil Co	2	3	Tennessee Gas Transmission Co. (Tennessee Gas) (Edinburg Field, Hidalgo County, Tex.).	10-12-59	10-15-59	11-15-59	4-15-60	12.12268	15.0952	14.65
G-20061	L. W. Callender	1	8	Tennessee Gas (Government Wells Field, Duval County, Tex.).	Undated	10-16-59	11-16-59	4-16-60	12.12268	15.0952	14.65
G-20062	Sunray Mid-Continent Oil Co.	120	3	Cities Service Gas Co. (Cities Service) (Hartner and Rhoades Fields, Barber County, Kans.).	10-12-59	10-16-59	12-23-59	5-23-60	12.0	13.0	14.65
		134	2	Cities Service (Eureka Field, Grant and Alfalfa Counties, Okla.).	10-12-59	10-16-59	1-1-60	6-1-60	12.0	13.0	14.65
G-20063	Jack Properties, Inc	1	5	Tennessee Gas (Mary Field, Jim Wells County, Tex.).	10-1-59	10-15-59	11-15-59	4-15-60	[3] 11.90337	[3] 14.87589	14.65
G-20064	M. L. Mayfield (Operator), et al.	2	4	Tennessee Gas (Amelia Field, Assumption Parish, La.).	9-30-59	10-16-59	11-16-59	4-16-60	18.5	23.09167	15.025
G-20065	Sun Oil Co	69	4	Cities Service (Barber County, Kans.)	10-13-59	10-16-59	12-23-59	5-23-60	12.0	13.0	14.65
G-20066	Hiawatha Oil and Gas Co	6	6	Texas Eastern Transmission Corp. (Texas Eastern) (Greenwood-Waskom Field, Caddo Parish, La.).	9-29-59	10-7-59	11-7-59	4-7-60	[4] 15.9257	16.1308	15.025
G-20067	Ada Oil Co. (Operator, et al.	3	4	Phillips Petroleum Co. (Hugoton Field, Sherman County, Tex.).	10-5-59	10-7-59	1-1-60	[5] 1-2-60	[6] 9.1215	10.19401	14.65
G-20068	Ridgway Management, Inc.	1	2	United Gas Pipe Line Co. (Maxie-Pistol Ridge Field, Forrest, Lamar and Pearl River Counties, Miss.).	10-2-59	10-7-59	11-24-59	4-24-60	20.0	24.0	15.025
G-20069	McAlester Fuel Co. (Operator), et al.	4	3	Texas Eastern (Tatum Field, Rusk County, Tex.).	11-1-59	10-8-59	11-8-59	4-8-60	[7] [8] 14.6	[8] 14.8	14.65
G-20070	James A. Wood, Trustee (Operator), et al.	1	2	Tennessee Gas (N. Ross Field, Starr County, Tex.).	Undated	10-7-59	11-7-59	4-7-60	12.12268	15.0952	14.65
		2	1	Tennessee Gas (La Reform Field, Starr County, Tex.).	do	10-7-59	11-7-59	4-7-60	12.12268	15.0952	14.65
G-20071	H. L. Hunt, et al	25	3	Transcontinental Gas Pipe Line Corp. (Bear Field, Beauregard Parish, La.).	Supp. agree [9] 4-17-59	10-8-59	11-8-59	4-8-60	17.5	23.55	15.025
		25	4	do	Undated						

[2] The stated effective dates are those requested by Respondents or the first day after expiration of statutory notice, whichever is later.
[3] Includes 1.0 cent per Mcf for transportation of gas by Nue-Wells Pipe Line Co.
[4] Rate in effect subject to refund in Docket No. G-16663.
[5] Or until such further time as the proposed increase in Docket No. G-19032 is made effective (the proposed increase in Docket No. G-19032 was suspended until January 1, 1960 and until such further time as it is made effective in the manner prescribed by the Natural Gas Act).
[6] Rate in effect subject to refund in Docket No. G-14627.
[7] Rate in effect subject to refund in Docket No. G-17150.
[8] Includes 2.0 cents per Mcf for gathering deducted by buyer.
[9] Renegotiates base rate from 16.0 cents to 21.5 cents per Mcf.

Shell Oil Company in support of its proposed renegotiated rate increase states that the contract was negotiated at arm's length and that the proposed rate is within the range of prices authorized by the Commission for comparable gas recently sold under contracts from the same area.

In support of their proposed redetermined rate increases, Rio Bravo Oil Company (Rio Bravo), L. W. Callender (Callender), Jack Properties, Inc. (Properties), and James A. Wood, Trustee (Operator), et al. (Wood) submitted copies of Tennessee Gas' price redetermination letters.

Rio Bravo states that denial of the proposed increased rate would constitute confiscation of its property.

Callender refers to cost data submitted in the proceeding in Docket No. G–9285 and states that the proposed increased rate is necessary to provide an adequate return which is in jeopardy because of decreasing volumes and increasing costs.

Properties states that the proposed increased rate is in accord with the contract provisions which provisions were executed at arm's length, that such contract provisions were a material inducement for seller to execute the long-term contract, that denial of the proposed increased rate would be discriminatory, and that it can never recover the losses incurred by its bankrupt predecessor in interest, South Texas Oil and Gas Company.

Wood states that the proposed increased rate is justified because the gas reserves would not have been committed under a long-term contract without assurance of a sliding scale of prices to afford it a reasonably uniform net operating income. Wood also states that producer costs have increased with age of the property and depletion of reserves.

Sunray Mid-Continent Oil Company (Sunray) and Sun Oil Company in support of their proposed periodic rate increases cite the contract provisions which are alleged to result from arm's-length negotiations and state that the pricing provisions were designed to assure a fair market price for the duration of the contract and that the proposed increased rate does not exceed the market value of the gas. Sunray also states that it would not have executed the contract but for the periodic price escalation provisions and that to deny the increased price would be unjust and discriminatory.

M. L. Mayfield (Operator), et al., in support of their redetermined rate increase submitted copies of its letter of agreement with Tennessee Gas, state that the increased rate is in accord with the contract which was negotiated at arm's length, and further state that the contract provisions for price redetermination, which were a substantial inducement for them to commit their reserves for the twenty year contract period, insure receipt of a fair and competitive price.

Hiawatha Oil and Gas Company in support of its proposed periodic rate increase states that the schedule of periodic price escalations is reasonable because seller committed its gas for twenty years, that the increased price is not above the fair market value of gas in the area, and that the increased price is necessary to offset increased costs for labor, materials, and services required to operate its properties.

Ada Oil Company (Operator), et al. (Ada) in support of its proposed revenue-sharing rate increase states that such is based upon the spiral escalation increase in purchaser's resale rate which in turn is determined by the rates charged to the wholesale customers of Michigan Wisconsin Pipe Line Company. In further support, Ada cites the proposed increased rate of its purchaser, which proposed increased rate was suspended until January 1, 1960, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act. Ada also states that the proposed increase is in accord with the contract, below the market price of gas in the area, and just and reasonable.

Ridgway Management, Inc. (Ridgway), in support of its proposed increased rate, relies upon the pricing provisions of its rate schedule with United Gas Pipeline Company (United) and submits copies of United's price redetermination letter advising of the 24.0 cents per Mcf price. Ridgway also states that its contract was negotiated at arm's-length and that the proposed increased rate does not exceed the present fair market value of the gas sold under its said rate schedule.

McAlester Fuel Co. (Operator) et al. (McAlester), in support of its proposed rate increase also cites its contractual provisions under its Rate Schedule No. 4 and states, inter alia, that its contract with Texas Eastern Transmission Corporation resulted from arm's-length bargaining and that the rate increase provisions contained therein are common in many long term contracts in order to permit initial deliveries of gas at a low price.

H. L. Hunt, et al. (Hunt), in support of their proposed rate increase state that their contract with Transcontinental Gas Pipeline Corporation was entered into in good faith at arm's-length; that the proposed increased rate is just and reasonable and fulfills the contractual obligations of the parties and that disallowance thereof would result in deprivation of seller's property without due process of law. Hunt further contends that the increased revenues to be generated by the proposed increased rate are needed to encourage further exploration and development in connection with their natural gas operations.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearing and decision thereon, each of the aforementioned supplements is suspended and the use thereof deferred until the date specified in the above-designated "Rate Suspended Until" column and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by sections 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59–9777; Filed, Nov. 18, 1959; 8:46 a.m.]

[Docket No. G–20109]

NEW YORK STATE NATURAL GAS CORP.

Order Providing for Hearing and Suspending Proposed Revised Tariff Sheets

NOVEMBER 13, 1959.

On July 2, 1959, New York State Natural Gas Corporation (New York Natural), tendered for filing certain Revised Sheets to its FPC Gas Tariff, proposing increased rates and charges amounting to $1,080,761 to its nonaffiliated customers. By order issued July 31, 1959 in Docket No. G–19087, said proposed increased rates and charges were suspended and the use thereof deferred until November 30, 1959 in the manner provided in said order.

With the stated purpose of increasing certain revenues to a level approximating the cost of service indicated in the above-identified proceeding, New York Natural, on October 14, 1959, tendered for filing Revised Sheets to its FPC Gas Tariff, proposing an annual increase in rates and charges of $1,321,463 to two affiliated companies as contained in Second Revised Sheet No. 20 to its FPC Gas Tariff, Third Revised Volume No. 1, Original Sheets Nos. 15–A and 21–A, First Revised Sheets Nos. 6, 15 and 21, Second Revised Sheet No. 18 and Sixth Revised Sheet No. 14 to its FPC Gas Tariff, Original Volume No. 2.

The filing tendered on October 14, 1959, covers firm sales and interruptible sales of gas from its so-called OSS System (Oakford and South Bend Storage Pools) and interruptible sales from the main line under Rate Schedule CA, and proposed a revision of its cost of service formula so as to include production costs formerly omitted, an additional charge of 2 cents per Mcf for handling inbound gas delivered to the storage properties and an increase in interruptible rates. An increase in Rate Schedule CA is also proposed.

New York Natural states that the proposed increases are designed to bring revenues from the OSS System to the level of the cost of service indicated by the filing in Docket No. G–19087 and requests that the Commission shorten the suspension period so as to permit the revised tariff sheets to go into effect simultaneously with the proposed increased rates and charges in Docket No. G–19087, that is, on November 30, 1959.

The increased rates and charges provided for in Second Revised Sheet No. 20 to New York Natural's FPC Gas Tariff, Third Revised Volume No. 1, Original Sheets Nos. 15–A and 21–A, First Revised Sheets Nos. 6, 15, and 21, Second Revised Sheet No. 18 and Sixth Revised Sheet No. 14 to its FPC Gas Tariff, Original Volume No. 2, have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a public hearing concerning the lawfulness of the proposed rates, charges, classifications, and services contained in Second Revised Sheet No. 20, to Third Revised Volume No. 1 of New York Natural's FPC Gas Tariff, Original Sheets Nos. 15–A and 21–A, First Revised Sheets Nos. 6, 15, and 21, Second Revised Sheet No. 18 and Sixth Revised Sheet No. 14 to its FPC Gas Tariff, Original Volume No. 2, and that said proposed tariff sheets and the rates contained therein be suspended and the use thereof be deferred as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I) a public hearing be held on a date to be fixed by notice from the Secretary concerning the lawfulness of the rates, charges, classifications, and services contained in New York Natural's FPC Gas Tariff, as proposed to be amended by Second Revised Sheet No. 20, to Third Revised Volume No. 1, Original Sheets Nos. 15–A and 21–A, First Revised Sheets Nos. 6, 15, and 21, Second Revised Sheet No. 18 and Sixth Revised Sheet No. 14 to Original Volume No. 2.

(B) Pending such hearing and decision thereon, New York Natural's Second Revised Sheet No. 20, to Third Revised Volume No. 1, Original Sheets Nos. 15–A and 21–A, First Revised Sheets Nos. 6, 15, and 21, Second Revised Sheet No. 18 and Sixth Revised Sheet No. 14 to its FPC Gas Tariff, Original Volume No. 2 be and they are each hereby suspended and the use thereof deferred until November 30, 1959, and until such further time as they may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested state commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59–9776; Filed, Nov. 18, 1959; 8:46 a.m.]

TARIFF COMMISSION

[22–22]

ARTICLES CONTAINING COTTON

Notice of Investigation and Date of Hearing

At the request of the President, by letter dated November 10, 1959, the United States Tariff Commission, on the 16th day of November 1959, instituted an investigation under section 22(a) of the Agricultural Adjustment Act, as amended (7 U.S.C. 624), to determine whether articles containing cotton are being, or are practically certain to be, imported into the United States under such conditions and in such quantities as to render or tend to render ineffective, or materially interfere with, the export subsidy program of the United States Department of Agriculture for cotton and cotton products in operation pursuant to section 203 of the Agricultural Act of 1956 (7 U.S.C. 1853).

The text of the President's letter to the Commission follows:

Dear Mr. Chairman:

I have been advised by the Secretary of Agriculture that there is reason to believe that cotton in articles containing cotton is being, or is practically certain to be, imported into the United States under such conditions and in such quantities as to render or tend to render ineffective or materially interfere with the Department's export program for cotton and cotton products in that the export payment, equivalent to eight cents per pound on cotton and the cotton content of cotton products, is in effect a loss to the Commodity Credit Corporation to the extent that cotton in articles containing cotton is imported into the United States.

The Secretary of Agriculture has reported that the Department of Agriculture is conducting a program, pursuant to Section 203 of the Agricultural Act of 1956, involving subsidy payments on exports of cotton and cotton products to reduce the cotton surplus in the United States. The present subsidy rate is eight cents per pound on cotton and the cotton content of cotton products. He advises me that there is reason to believe that textiles and other articles made abroad from this and similar cotton are being imported into the United States, and that to the extent that such articles containing cotton are imported into the United States, the purpose of the subsidy program is impaired.

The United States Tariff Commission is requested to make an immediate investigation under Section 22 of the Agricultural Adjustment Act, as amended, to determine whether a fee equivalent to the per pound export subsidy rate on the cotton content of imported articles containing cotton is necessary to prevent the imports of such articles from rendering or tending to render ineffective or materially interfering with the Department's export program for cotton and cotton products.

The Commission's findings should be completed as soon as practicable.

Hearing. A public hearing in connection with this investigation will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C., beginning at 10 a.m., e.s.t., on March 1, 1960. All parties will be given opportunity to be present, to produce evidence, and to be heard at such hearing. Interested parties desiring to appear at the public hearing should notify the Secretary of the Tariff Commission, in writing, at its offices in Washington, D.C., at least five days in advance of the date set for the hearing.

Issued: November 16, 1959.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 59–9801; Filed, Nov. 18, 1959; 8:50 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

CURT STREHLENERT

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Curt Strehlenert, Administrator, Estate of Nils August Wallin, deceased, Stockholm, Sweden; Claim No. 64109; $3,468.16 in the Treasury of the United States, for the benefit of Anna Elisa (Elsa) Strehlenert. Vesting Order No. 8711, as amended.

Executed at Washington, D.C., on November 9, 1959.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 59–9739; Filed, Nov. 17, 1959; 8:48 a.m.]

KUO LEE TSO

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date

of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Kuo Lee Tso, Keizersgracht 681, Amsterdam, The Netherlands; Claim No. 61653; $10,427.78 in the Treasury of the United States. Vesting Orders Nos. 17838, 17894, 17913, 17901 and 18118.

Executed at Washington, D.C., on November 12, 1959.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 59-9740; Filed, Nov. 17, 1959; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 13, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35825: *Substituted service—ACL and RF&P for Alterman Transport Lines, Inc.* Filed by Southern Motor Carriers Rate Conference, Agent (No. 13), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between Alexandria, Va., on the one hand, and Jacksonville, Fla., on the other, on traffic originating at or destined to points in territories described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 10 to Southern Motor Carriers Rate Conference tariff I.C.C. 32, MF-I.C.C. 915.

FSA No. 35826: *Barite from Kentucky Points to Morgan City, La.* Filed by O. W. South, Jr., Agent (SFA No. A3864), for interested rail carriers. Rates on barite (barytes), crude, in carloads, from Crider, Marion, and Mexico, Ky., to Morgan City, La.

Grounds for relief: Commercial competition and different bases for rates.

Tariff: Supplement 14 to Southern Freight Association tariff I.C.C. S-29.

FSA No. 35827: *Class and commodity rates from and to Morrison, S.C.* Filed by O. W. South, Jr. (SFA No. A3865), for interested rail carriers. Rates on various classes and commodities (other than coal and coke), carloads and less-than-carloads between Morrison, S.C., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief: Establishment of new station.

FSA No. 35828: *Fertilizer from Idaho and Utah points to the southwest.* Filed by Southwestern Freight Bureau, Agent (No. B-7678), for interested rail carriers. Rates on fertilizer and fertilizer materials, in carloads from specified points in Idaho and Utah to points in southwestern territory.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 110 to Southwestern Freight Bureau tariff I.C.C. 4252.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59-9736; Filed, Nov. 17, 1959; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 16, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35829: *Lumber—North Carolina points to official (including Illinois) territory.* Filed by O. W. South, Jr., Agent (SFA No. A3866), for interested rail carriers. Rates on lumber and related articles, in carloads, as more fully described in the application from Clegg, N.C., and Southern Railway stations intermediate between Clegg and Stem, N.C., to points in official (including Illinois) territory.

Grounds for relief: Short-line distance formula, grouping, and motor-truck competition.

Tariffs: Supplement 207 to Southern Freight Association tariff I.C.C. 1214. Supplement 128 to Southern Freight Association tariff I.C.C. 1238.

FSA No. 35830: *Substituted service—CGW for Steffke Freight Co.* Filed by Middlewest Motor Freight Bureau, Agent (No. 200), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between Chicago, Ill., on the one hand, and St. Paul, Minn., on the other, on traffic originating at or destined to points in territories described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 116 to Middlewest Motor Freight Bureau tariff MF-I.C.C. 223.

FSA No. 35831: *Substituted service—IC for Chicago Dubuque Motor Transportation Co.* Filed by Middlewest Motor Freight Bureau, Agent (No. 201), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between Chicago, Ill., on the one hand, and Dubuque, Iowa, on the other, on traffic originating at or destined to points in territories described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 116 to Middlewest Motor Freight Bureau tariff MF-I.C.C. 223.

FSA No. 35832: *Petroleum lubricating oil—Chicago, Ill., to Kansas City, Mo.-Kans.* Filed by Western Trunk Line Committee, Agent (No. A-2098), for interested rail carriers. Rates on petroleum lubricating oil, in tank-car loads from Chicago, Ill., and district points to Kansas City, Mo.-Kans., and district points.

Grounds for relief: Market competition.

Tariff: Supplement 146 to Western Trunk Line Committee tariff I.C.C. A-4038.

FSA No. 35833: *TOFC service—Between points in southwestern territory.* Filed by Southwestern Freight Bureau, Agent (No. B-7684), for interested rail carriers. Rates on paper and paper articles, loaded in or on trailers and transported on railroad flat cars between points in southwestern territory.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 82 to Southwestern Freight Bureau tariff I.C.C. 4285.

FSA No. 35834: *TOFC service—Rates between official territory points and points in Arkansas, Missouri, and Oklahoma.* Filed by Southwestern Freight Bureau, Agent (No. B-7685), for interested rail carriers. Rates on various commodities moving on class rates in or on trailers and transported on railroad flat cars between points in official territory, on the one hand, and specified points in Arkansas, Missouri, and Oklahoma, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 11 to Southwestern Freight Bureau tariff I.C.C. 4335.

FSA No. 35835: *TOFC service—Rates between NHNH&H points in New England and points in southwestern territory.* Filed by Southwestern Freight Bureau, Agent (No. B-7686), for interested rail carriers. Rates on various commodities moving on class rates in or on trailers and transported on railroad flat cars between New York, New Haven, and Hartford Railroad stations in Connecticut, Massachusetts, and Rhode Island, on the one hand, and points in southwestern territory, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 11 to Southwestern Freight Bureau tariff I.C.C. 4335.

FSA No. 35836: *Asphalt—Southwestern points to points in southern territory.* Filed by Southwestern Freight Bureau, Agent (No. B-7682), for interested rail carriers. Rates on asphalt (asphaltum), natural by-product, or petroleum (other than paint, stain, or varnish), in packages, or in bulk, straight or mixed carloads, and in tank-car loads from points in Arkansas, Kansas, Louisiana, Missouri, Oklahoma, and Texas to points in southern territory.

Grounds for relief: Market competition and short-line distance formula.

Tariff: Supplement 51 to Southwestern Freight Bureau tariff I.C.C. 4165.

FSA No. 35837: *Plaster from eastern points to Arkansas and Missouri points.* Filed by Southwestern Freight Bureau, Agent (No. B-7610), for interested rail carriers. Rates on plaster, gypsum wall-

board, and related articles, in carloads, as more fully described in the application from specified points in Indiana, Michigan, Ohio, and New York to points in Arkansas and Missouri.

Tariff: Supplement 81 to Southwestern Freight Bureau tariff I.C.C. 4149.

FSA No. 35838: *Plaster and related articles from Sperry, Iowa.* Filed by Southwestern Freight Bureau, Agent (No. A–7683), for interested rail carriers. Rates on plaster, gypsum wallboard, and related articles, in carloads, as more fully described in the application, from Sperry, Iowa, to points in southwestern territory.

Grounds for relief: Short-line distance formula, grouping, and market competition.

Tariff: Supplement 81 to Southwestern Freight Bureau tariff I.C.C. 4149.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59–9779; Filed, Nov. 18, 1959; 8:47 a.m.]

[Notice No. 223]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 16, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 62542. By order of November 12, 1959, the Transfer Board approved the transfer to Sandale Railway Company, Inc., Evansville, Ind., of Certificate in No. MC–39306, issued September 16, 1955, to Evansville & Ohio Valley Railway Company, Inc., authorizing the transportation of: Moulding sand, in bulk, from the site of the Eugene W. Smith Company, Inc., sand plant, located approximately 7½ miles west of Rockport, Ind., to Rockport, Ind., serving the site of the Houghland & Hardy sand plant as an intermediate point for pick-up only. J. C. Harper, 503 Transportation Building, Birmingham 3, Ala., for applicants.

No. MC–FC 62555. By order of November 12, 1959, the Transfer Board approved the transfer to Airth Express, Inc., West Newton, Massachusetts, of a certificate in No. MC 72441, issued August 1, 1952, to Joseph C. Wildberger and William H. Webb, a partnership, doing business as Airth Express, West Newton, Massachusetts, authorizing the transportation of general commodities, excluding household goods, as defined by the Commission, commodities in bulk, and other specified commodities, between Boston, Cambridge, Brookline, Newton, and Watertown, Mass. Francis E. Barrett, 7 Water Street, Boston 9, Mass., for applicants.

No. MC–FC 62625. By order of November 13, 1959, the Transfer Board approved the transfer to William F. Supel, Secaucus, N.J., of the operating rights in Certificate No. MC 30097, issued by the Commission July 29, 1941, to John J. Smith, Jersey City, N.J., authorizing the transportation, over irregular routes, of incandescent lamps and raw materials used in the manufacture of incandescent lamps, between points in Hudson and Passaic Counties, N.J., on the one hand, and, on the other, points in New York and New Jersey within 100 miles of Jersey City, N.J., including Jersey City, and points in sixteen specified counties in Pennsylvania. Charles A. Rooney, 921 Bergen Avenue, Jersey City 6, N.J., for applicants.

No. MC–FC 62657. By order of November 12, 1959, the Transfer Board approved the transfer to Morgan Meekins and Edna Meekins, a partnership, doing business as Morgan Meekins, Baltimore, Maryland, of a certificate in No. MC 18062, issued April 27, 1937, to Howard S. Loving, Catherine E. Loving, Executrix, doing business as Chas. A. Loving & Son, authorizing transportation of household goods and store and office furniture, fixtures, and equipment over irregular routes, between Baltimore, Md., on the one hand, and, on the other, points in New York, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, and the District of Columbia. Gerald E. Topper, 1610 Munsey Building, Baltimore 2, Md., for applicants.

No. MC–FC 62685. By order of November 12, 1959, the Transfer Board approved the transfer to Pehler and Sons, Inc., Arcadia, Wisconsin, of Certificates in Nos. MC 5709, MC 5709 Sub 5, and Corrected Certificate No. MC 5709 Sub 7, issued June 7, 1957, December 26, 1957, and June 2, 1959, respectively, to John J. Pehler, Dodge, Wisconsin, authorizing the transportation of general commodities, excluding household goods, as defined by the Commission, commodities in bulk, and specified commodities, from, to, and between, specified points in Wisconsin and Minnesota, and household goods, as defined by the Commission, between specified points in Wisconsin and Minnesota, and specified commodities, from and to specified points in Wisconsin, Minnesota, and Iowa. La Vern S. Koster, Fugina, Kostner & Ward, Arcadia, Wisconsin, for applicants.

No. MC–FC 62691. By order of November 12, 1959, the Transfer Board approved the transfer to Gate City Transport Company, a Michigan corporation, Detroit, Michigan, of Certificates in Nos. MC 61623, and MC 61623 Sub 6, issued November 13, 1956, and November 20, 1946 respectively, to Gate City Transport Company, Inc., a North Carolina Corporation, Detroit, Michigan, authorizing the transportation of new automobiles, new trucks, and new chassis, restricted to initial movements, in truckaway and driveaway service, from specified points in Michigan to points in North Carolina, new automobiles, trucks, and chassis, in truckaway and driveaway service, from specified points in Michigan, to points in South Carolina, automobiles, trucks, and chassis, new and used, restricted to secondary movements, in truckaway and driveaway service, between points in Ohio, Virginia, West Virginia, and specified points in Michigan, on the one hand, and, on the other, points in North Carolina, and new automobiles, automobile bodies, automobile chassis, and parts, in initial movements, in truckaway and driveaway service, from Willow Run in Washtenaw County, Mich., to points in North Carolina and South Carolina. Wilhelmina Boersma, Clark, Klein, Brucker & Waples, 2850 Penobscot Building, Detroit 26, Mich., for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59–9780; Filed, Nov. 18, 1959; 8:47 a.m.]

CUMULATIVE CODIFICATION GUIDE—NOVEMBER

A numerical list of parts of the Code of Federal Regulations affected by documents published to date during November. Proposed rules, as opposed to final actions, are identified as such.

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